Planning Commission Date: February 22, 2006 Item No. 3.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing Report Prepared by: Kim Duncan

Public Hearing: Yes: _X_ No: _____

Notices Mailed On: 2/11/06 Published On: 2/10/06 Posted On: 2/11/06

TITLE:	**MAJOR TENTATIVE MAP NO. MA2004-3, ZONE CHANGE NO. ZC2004-1, 'S' ZONE APPROVAL AMENDMENT NO. SA2005-16 AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA2005-8.**
Proposal:	A request for a five (5)-lot subdivision, rezone from Agriculture (A) to Single-Family Residential (R1-6), and removal of protected trees.
Location:	2016 Calaveras Road.
RECOMMENDATION:	**Recommend approval to the City Council.**
Applicant/Owner:	Sylvia Leung, 968 Hanson Court, Milpitas, CA 95035
Previous Action(s):	S-Zone Approval
Environmental Info:	Initial Study and Mitigated Negative Declaration No. EA2005-8
General Plan Designation:	Single-Family Low Density
Present Zoning:	Agriculture
Existing Land Use:	Residential
Agenda Sent To:	Applicant and Owner as noted above.
Attachments:	Plans, applicant letter of request, Initial Study and Mitigated Negative Declaration, Seismic Hazard Evaluation, Geotechnical Investigation, Biotic Assessment, City arborist tree inspection summary.

PJ# 3179

BACKGROUND

The project site is currently developed with three (3) older single-family residences constructed in the early 1900's. According to the Building Division archives, building permits for sewer hookups were issued for each residence in September, 1988.

SITE DESCRIPTION

The project site is a .735-acre (.95 gross acre) rectangular parcel located at the base of the Diablo Range foothills near the southeast portion of Piedmont Road and Calaveras Road. The project site is bound to the north by Calaveras Road, to the west by Piedmont Road, to the east by the Old Piedmont Road (abandoned), and within the Scenic Corridor. Directly south of the project site is the Arroyo de Los Coches channel, which is dedicated as a Santa Clara Valley Water District (SCVWD) flood control/drainage easement and stabilized with rock gabion. The parcel on the southeast corner of Piedmont Road and Calaveras Road, currently developed with a single-family residence (2004 Calaveras Road), is not a part of this application. The project site is currently developed with three (3) older single-family residences (2016, 2040 & 2064 Calaveras Road).

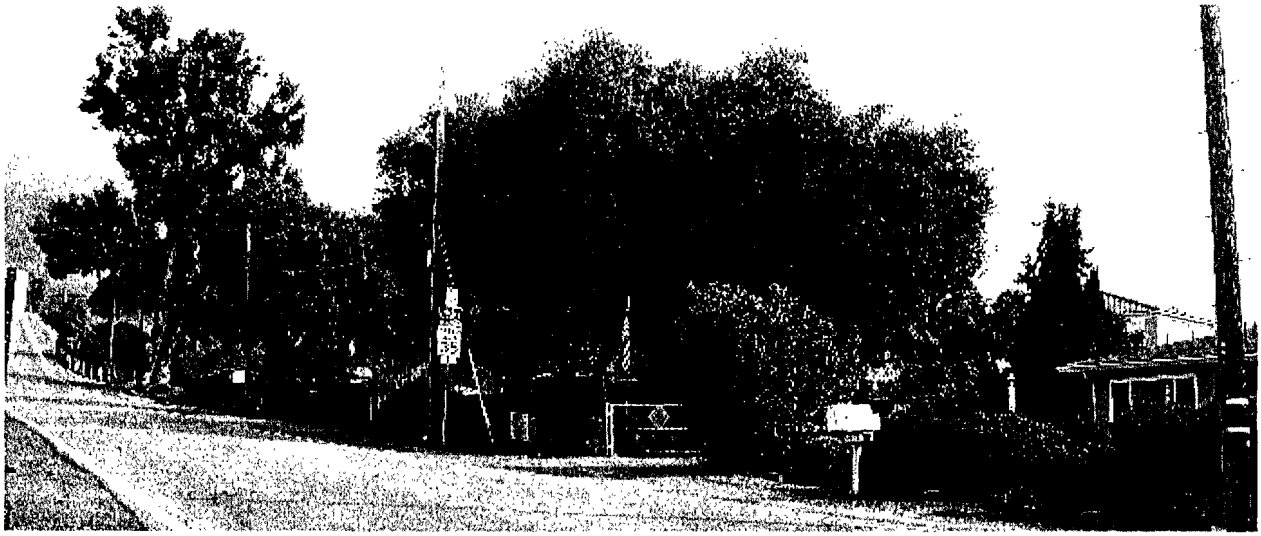
Surrounding land uses include undeveloped foothills (Santa Clara County) to the north, multi-family residential (R3) to the northwest, single-family residential (R1-6) to the south (Piedmont Subdivision-PUD76), and southwest, and park and open space (POS) to the east. The Alviso-Adobe is located approximately 130 feet southwest of the southeast corner of the project site across the abandoned Old Piedmont Road.

THE APPLCIATION

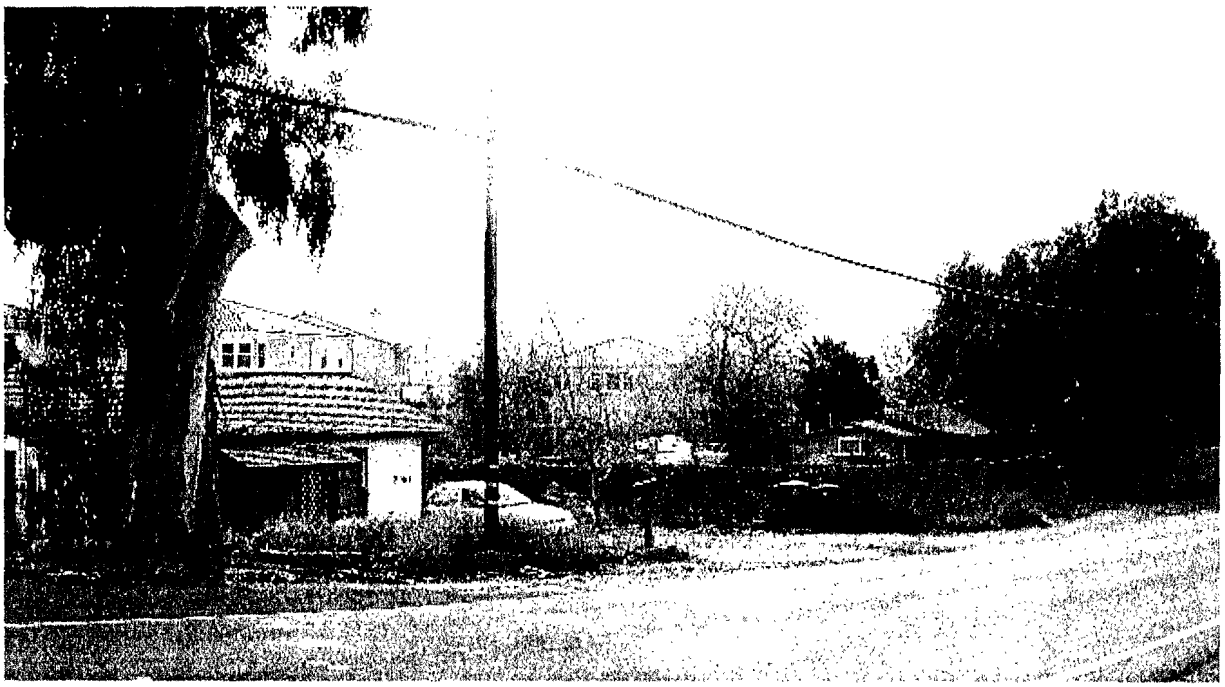
The applicant is requesting approval of a Major Tentative Map per Sections 4 & 30 of the Subdivision Ordinance, Zoning Map Amendment pursuant to Section 62 of the Milpitas Zoning Ordinance, and removal of protected trees pursuant to Title X-2-4.02 of the Milpitas Municipal Code.

Project Description

The applicant is proposing to subdivide an existing .735-acre (.95 gross acre) parcel to five (5) individual lots ranging in size from 6,023 square feet to 6,740 square feet and rezone the parcels from Agriculture (A) to Single-Family Residential (R1-6). The three (3) existing single-family residences will be demolished and, ultimately, five (5) new two-story single-family residences constructed on the project site. In order to accommodate the proposed building footprints and driveways, 8 ordinance sized protected trees are proposed for removal.



2016 Calaveras Road (southeast)



2016 Calaveras Road (southwest)

TENTATIVE MAP

This Major Tentative Map application has been submitted to subdivide an existing .735-acre (.95 gross) parcel to five (5) new parcels for the purpose of creating new single-family lots. The proposed parcels range in size from 6,023 square feet to 6,740 square feet, with an average slope of 5%, and minimum lot widths exceeding 60 feet.

ZONE CHANGE

According to the Milpitas General Plan's Land Use/Zoning Consistency (Table 2-3), the Agriculture zoning designation is interim zoning for Single Family Low Density and rezoning is required prior to redevelopment. The applicant is requesting approval to rezone the property from Agriculture (A) to Single-Family Residential (R1-6) with the intent of developing the property with single-family residences.

Site Access and Circulation: Primary access to the project site is currently provided by three (3) driveways located off Calaveras Road. The applicant is proposing to remove the existing driveways and construct five (5) new driveways to provide access to the new parcels. Staff had concerns regarding future residential property owner safe ingress and egress off Calaveras Road due to the slope of Calaveras Road at this location. The applicant worked with City staff to develop hammerhead driveways on each proposed parcel that would allow drivers to navigate vehicles to exit parcels by vehicle front end, therefore limiting backing out of driveways onto Calaveras Road

No Build Zone: The project is located adjacent to the Arroyo de Los Coches channel, which is part of the Santa Clara Valley Water District flood control drainage easement. The Los Coches creekbed and slopes are reinforced with rock slope (gabion) protection, including portions of the proposed lot rear yards. According to the tentative map, the proposed rear yards of the five (5) parcels would consist of a 15-foot setback from the building footprint and the remainder would consist of the top of bank and slopes of the Los Coches creek. To ensure creek slope stability,

the ***Santa Clara Valley Water District recommends*** the 15-foot rear setback from the building footprint be designated as a "no build zone". This "no build zone" would prevent potential destabilization of the creek bank and slopes by the impact of future structures (pools, accessory buildings/structures) in proximity of the creek top-of-bank.

SCVWD Easement:

As part of the Piedmont Subdivision (PUD 31-1997), a portion of the Los Coches creek was dedicated to the Santa Clara Valley Water District as flood control easement, including a flag portion of the rear property line of Lot 1 (extending behind the corner parcel located at 2004 Calaveras Road). The majority of this flag portion is SCVWD dedicated flood control easement, however there is an approximately 156 square foot rectangular portion that was not dedicated for flood control. The ***Engineering division recommends***, to create consistency with the existing easement, this 156 square foot portion of property be dedicated to the SCVWD as flood control easement. The SCVWD reviewed this application and concurs with the recommendation.

Park Dedication

The City standard for providing parkland is 5 acres of parks for every 1,000 residents. Under Section 9 of the Subdivision Ordinance, the project is subject to a park-in-lieu fee for the cost to acquire 0.097 acres of public parkland. The *estimated* park-in-lieu fee is $212,700.00. Staff recommends, as a condition of approval, that the applicant pay the park-in-lieu fee prior to Final Map recordation.

Other Improvements

As required by the City's Subdivision Ordinance, the applicant will install necessary public improvements along Calaveras Road, including curb and gutter, pavement, sidewalks, striping, streetlights, fire hydrants, and underground existing services on the southeast corner of Calaveras Road and Piedmont Drive.

SITE AND ARCHITECTURE REVIEW

The project site is currently developed with three (3) single-family residences with fourteen (14) mature trees, including Spruce, Olive, Palm, Willow, Pine, and Eucalyptus, in which ten (10) are considered protected (37" circumference or greater where a zoning or subdivision approval is required). According to the tentative map, the proposed building footprints and driveways would require the removal of eight (8) protected trees (Nos. 2, 3, 4, 5, 7, 8, 9, 10). In order to ensure that natural resources and quality of life will be preserved, ***staff recommends***, as a condition of approval, prior to the issuance of building permits, the applicant provide a detailed landscape plan showing a minimum replacement ratio of 2:1 24" box trees on the project site to the Planning Division for review an approval.

In addition, there is the possibility that future construction activities on Lots 2 and 11 may damage the two remaining protected trees (Nos. 6 & 11), therefore ***staff recommends***, as a condition of approval, prior to issuance of building permits, the plans indicate tree protective fencing be in place at the drip line of tree Nos. 6 & 11 during any construction activities on Lots 2 & 11.

The applicant is requesting approval to rezone the parcel from Agriculture (A) to Single-Family Residential (R1-6). The Single-Family Residential (R1-6) zoning district does not have a Site and Architecture Overlay district, therefore no further site and architectural review is required for

future residential development. However, any future development will be required to conform to the City's zoning ordinance requirements in terms of setbacks, height, and general provisions.

ISSUES

Air Quality and Noise

Air quality and noise impacts associated with the construction period are anticipated to consist of airborne dust particles and the operation of heavy machinery as earthwork commences. These dust and noise impacts have the potential to be a nuisance and could be considered significant on a temporary and localized basis. As a *mitigation measure*, the applicant will be required to adhere to construction Best Management Practices (BMP's) suggested by the Bay Area Air Quality Management District (BAAQMD), such as watering all active construction areas and cover trucks hauling soil, as well as limited construction activities to weekdays (7:00 a.m. to 7:00 p.m.). Staff is confident that implementation of BMP's and limiting construction activities to weekdays will reduce the impact of construction related dust and noise to less than significant.

Biologic Resources

Pallid Bats: The .73-acre (.95 gross acre) project site is located adjacent and north of the Arroyo de Los Coches channel. A Biotic Assessment, conducted by H.T. Harvey & Associates (dated December12, 2005), determined that the existing buildings provide potential roost sites for the Pallid bat and other species of bats. Demolition of the existing buildings would not result in a significant impact to bat roosting habitat, however if bats occupy the existing buildings, demolition could result in the direct loss of bat colonies, including special-status species such as the Pallid bat. The direct loss of individuals in a hibernaculum could eliminate an entire colony due to the loss of pregnant females, resulting in a significant impact, therefore *as a mitigation measure*, the applicant shall submit pre-construction surveys, buffer zones, and exclusion of bats prior to demolition of roosts.

Airborne Dust: Impacts associated with construction activities are anticipated to consist of airborne dust particles as earthwork commences. This stray dust could be considered significant on a temporary and localized basis and impact the quality of habitat in the Arroyo de Los Coches channel adjacent to the project site. However, the applicant will be required to implement Best Management Practices (BMP's) during construction (Air Quality mitigation measures as noted above), therefore it is anticipated the impacts would be minimal.

Loss of Trees: Vegetation on the project site consists of robust exotic herbs and non-native trees, including blue gum (*Eucalyptus globosus*), olives (*Olea europea*), red willow (*Salix laevigata*), Peruvian peppertree (*Schinus molle*), California fan palm (*Washingtonia filifera*), and a variety of ornamental shrubs. According to a tree survey conducted by City staff, there are fourteen (14) trees on site of which ten (10) are identified as ordinance size protected trees (37" circumference or greater). The proposed building footprints and driveways would require the removal of approximately ten (10) existing trees, of which eight (8) are considered protected. The removal of protected trees on site could be considered significant, however, as a *mitigation measure*, the applicant will be required to replace the trees at a 2:1 ratio with 36" box trees. Because of the high replacement-planting ratio of trees, the removal of 8 protected trees would not be considered significant.

Cultural Resources

The project site is located at the base of the Diablo Range foothills with the Arroyo de Los Coches creek adjacent to the south. Directly south of the Arroyo de Los Coches is the Piedmont Subdivision (PUD 76), which was approved in 1999. Native American archaeological sites in the Milpitas area of Santa Clara County tend to be situated at the base of hills on alluvial flats near a source of fresh water, and near the historic margins adjacent to the San Francisco Bay. Given its location and setting, it is possible that the project site may contain Native American archaeological resources. Grading activities during the construction of the proposed project could result in the discovery of unknown human remains or artifacts.

According to an Archaeological Study (dated 11/24/97) for the Piedmont Subdivision, the project area is located within an identified "Cultural Resource Zone", an area where sensitive for historic and prehistoric cultural materials could be located. The Study determined the project could have a *significant impact* on the Resource Zone. The Calaveras Country Estates project site is located directly north of the Arroyo de Los Coches, adjacent to the Piedmont Subdivision site, and in proximity of the "Cultural Resource Zone". Therefore, ***staff recommends*** the following *mitigation measures* for the Piedmont project be required for Calaveras Country Estates: a project archaeologist conduct a detailed evaluation of subsurface construction plans prior to construction, hand excavate a salvage sample of 5% deposit that is to be impacted by grading/trenching and analysis, monitoring of all earth moving activities of native soils, cessation of all construction in the event of prehistoric traces (human remains, artifacts, concentrations of shell/bone/rock/ash) are encountered, and an archaeologist report discussing the site with archival documentation, description, and analysis of archaeological findings to preserve significant information relating to the site.

Geology and Soils

The project site is located at the base of the Diablo Range of a predominantly residential district, east of Piedmont Road. According to the Alquist-Priolo Earthquake Fault Zoning Map, and a Seismic Hazards Evaluation Letter Report conducted by John Goyle & Associates (dated April 26, 2005), the site is located within the Alquist-Priolo Special Studies Zone (A-P zone), however no active faults are known to cross beneath the parcel. The Hayward and Crosley faults are located northeast of the property (approximately 1,500 feet and 200 feet, respectively). In addition, the General Plan Geotechnical Hazards Map (Figure 5-1) indicates the project site is located in an area of expansive soils. According to the Report, seismic hazards that could impact the property include ground-surface rupture, seismically induced ground shaking, and liquefaction. County Seismic Hazards maps show the property is not located in a seismically – induced liquefaction hazards zone. The Report determined there was no evidence for active faulting on the parcels to the south and southeast, and the potential for a fault to traverse the subject property is very low, therefore the risk of ground-surface rupture at the subject property is also very low. The City's building permit process requires a site-specific soils report and compliance with seismic safety construction standards as part of the city's building permit review and construction inspection process, therefore the impacts anticipated regarding seismic ground shaking, expansive soils, or liquefaction are *less than significant.*

Hazardous Materials

The project site is developed with three (3) residential structures that were constructed approximately 1901-1930. Typically, buildings constructed prior to 1980 have the potential to contain asbestos or lead-based paints within the building materials. Construction activities proposed by the project may involve use and transport of hazardous materials, including contaminated soil and/or groundwater, and building demolition debris containing lead and asbestos. Removal, relocation, and transportation of hazardous materials could result in accidental releases or spills, potentially posing health risk to workers, the public, and environment, therefore the impact would be considered significant unless mitigated. As part of the permitting process, contractors are required to obtain approval from the Bay Area Air Quality Management District to remove asbestos and approval from the Department of Toxic Substances for removal of lead based paint.

However, in order to determine if there are significant groundwater or soil associated hazardous materials on site, the applicant shall submit to the City an Environmental Site Assessment with recommendations and guidelines in order to mitigate environmental exposure and to segregate the hazardous materials from non-hazardous construction debris. Therefore, with an Environmental Site Assessment and applicable State regulations, the impact of hazardous material exposure would be reduced to a level considered *less than significant with mitigation.*

Long Term Impacts

The proposed project is for the demolition of three (3) existing residential structures, subdivision of an existing parcel to five (5) individual lots, rezoning from Agriculture (A) to Single-Family Residential (R1-6), and removal of protected trees. As conditioned, the applicant will be responsible for applying Best Management Practices (BMP's) and restricting days and hours of construction operations, and replacing protected trees at a high replacement ratio. The proposed project, as conditioned, is not anticipated to adversely impact parking or circulation, or create long term nuisances from construction-related noise or airborne dust in the surrounding residential areas.

Conformance with the General Plan

The Single Family-Low Density General Plan designation allows a residential density of between 3 and 5 units per gross acre) the project site is approximately .735 acres (.95 gross acres), therefore, the 5 lots shown on the tentative map would have a density of 5.28 dwelling units per acre. The General Plan rounds to the nearest whole number so the project would be considered to be 5 dwelling units per acre, therefore consistent with the General Plan.

According to the Milpitas General Plan's Land Use/Zoning Consistency (Table 2-3), the Agriculture zoning designation is an interim zoning for Single Family Low Density designated land and rezoning is required prior to redevelopment. The applicant is requesting approval to rezone the parcel from Agriculture (A) to Single Family Residential (R1-6), in conformance with the General Plan.

According to the General Plan, the project site is a major visual gateway located within the City's Scenic Corridor, as shown on the Scenic Resources and Routes General Plan Map (Figure 4-6). Lands within the Scenic Corridor are subject to special design controls and height limitations.

However, because the project site is within the Valley Floor Planning area (General Plan designation Single Family Low Density), it is exempt from the General Plan's Scenic Corridor policies. This exemption was approved by the City Council as part of the General Plan Amendment 1998-1a which removed an inconsistency between the General Plan and Zoning Ordinance regarding implementation of the Scenic Corridor Policies.

Conformance with the Zoning Ordinance

The proposed parcels and building footprints would conform to the Single-Family Residence (R1-6) zoning district development standards, as shown on Table 1.

Table 1:
Conformance with Single-Family Residential (R1-6) Development Standards

	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5
Lot size (min. 6,000 sq. ft.):	6,669 sq.ft.	6,023 sq.ft.	6,204 sq.ft.	6,309 sq.ft.	6,740 sq.ft.
Lot Width (min. 60')	63.50'	63.50'	62.00'	64.00'	75.13'
Setbacks:					
Front (min. 20')	20'	20'	20'	20'	20'
Side (min. 6'adjacent to garage, total 13'	6'/7'	6'/7'	6'/7'	6'/7'	6'/7'
Rear (min. 25')	26.87'	26.87'	28.48'	34.32'	36.04'
Driveway/Parking spaces (min. 8'; 2 spaces)	14'/2	14'/2	14'/2	14'/2	14'2
Conforms with minimum standards?	Yes	Yes	Yes	Yes	Yes

Conformance with the Subdivision Map Act and Subdivision Ordinance

With respect to approving the subject application, the Subdivision Map Act defers to local ordinance. The city's Subdivision Ordinance requires design and improvement consistency with the General Plan. As previously covered in the conformance with the General Plan section, the proposed Major Tentative Map is in conformance with the General Plan.

Conformance with CEQA

An Initial Study and Draft Mitigated Negative Declaration (EA2005-8) have been prepared for this project. The 20-day public review period began on February 2, 2006 and closed on February 21, 2006. Any comments received will be presented at the public hearing for this project. The environmental assessment identifies the following potential impacts related to this project:

- Air Quality & Noise
- Biological Resources

- Cultural Resources
- Hazards and Hazardous Materials

Further discussion of other potential impacts and mitigation measures are included in the attached Environmental Assessment No. EA2005-8.

RECOMMENDATION

Close the Public Hearing. Adopt the Initial Study and Mitigated Negative Declaration (No. EA2005-8), approve Major Tentative Map No. MA2004-3, Zone Change No. ZC2004-1, and 'S' Zone Approval Amendment No. SA2005-16.

FINDINGS

California Environmental Quality Act

1. The Initial Study and Mitigated Negative Declaration (EIA No. EA2005-2) prepared for this project represents the independent review of the City of Milpitas Planning Staff and Planning Commission.

General Plan

2. The proposed project is consistent with the Milpitas General Plan in that it is consistent with:
   - Guiding Principles 2.a-G-3 and 2.a-I-10, which provide for a variety of housing types and densities that meet the needs of individuals and families, as well as foster community pride and growth through beautification of existing and future development;
   - Implementation Policy 2.a-I-2 which promotes in-fill development in the incorporated city limits. The project is an infill project replacing existing residential structures, primarily surrounded by existing developed sites;
   - It does not conflict with any existing policies, allows the development of new housing uses within this portion of the City, and will be in conformance with the underlying General Plan land use designations once approved by the City Council.

Zoning Ordinance

3. The proposed project, as conditioned, is consistent with the Milpitas Zoning Ordinance in that the proposed development is within the allowable density of the zoning district and conforms to the land use and development standards of the Single-Family Residential (R1-6) zoning district.
4. As conditioned, the proposed project complies with the Milpitas Municipal Code, Chapter X-2 (Tree and Planting Ordinance) in that the removal of protected trees will be replaced at a ratio where no adverse visual impact would result.
5. The layout of the site is compatible and aesthetically harmonious with adjacent and surrounding development because the project would be complementary to the adjacent existing residential development to the northwest, west, and south of the project site.

Subdivision Map Act

6. The proposed project is consistent with the State Subdivision Map Act and the Subdivision Ordinance in that the proposed subdivision, design, and improvements are consistent with the General Plan.

7. The site is physically suitable for the type of development proposed because the project site is relatively flat, currently developed with three (3) residential structures, and located adjacent to residential developed properties.
8. The site is physically suitable for the proposed density of development because the project is in conformance with the General Plan density requirements, and the Zoning Ordinance in terms of lot area, width, and yard requirements.
9. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife and their habitat because, as conditioned, no structures will be permitted within the required rear yard at the creek top of bank, bat roosts will be protected, and Best Management Practices (BMPs) will be in place during construction activities.
10. That the design of the subdivision or type of improvements is not likely to cause serious public health problems because Best Management Practices (BMPs) will be in place during construction activities
11. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision because, as conditioned, all appropriate encroachment easements will be obtained prior to construction activities, and access to property will be from a city maintained public street.

CONDITIONS OF APPROVAL

1. This approval is for Major Tentative Map No. MA2004-3, Zoning Map Amendment No. ZC2004-1, 'S' Zone Approval Amendment No. SA2005-16, and Environmental Impact Assessment No. EA2005-8 to create five (5) new parcels, rezone the property from Agriculture (A) to Single Family Residential (R1-6), and removal of 8 protected trees, as depicted on the Major Tentative Map, dated February 22, 2006, and as amended by these conditions of approval. (P)
2. The proposed project shall be conducted in compliance with all applicable federal, state, and local regulations. (P)
3. If, at the time of submittal for Parcel Map approval, there is a project job account balance due to the City for recovery of review fees, review of parcel map will not be initiated until the balance is paid in full. (P)
4. Prior to submittal for Final Map recordation, the applicant shall pay to the City the park-in-lieu fee. (P)
5. Prior to the issuance of building permits, the applicant provide a detailed landscape plan showing a minimum replacement ratio of 2:1 24" box trees on the project site to the Planning Division for review an approval. (P)
6. Prior to issuance of building permits, the landscape plans shall show and the applicant shall install, tree protective fencing at the drip lines of trees Nos. 6 & 11. The tree protective fencing shall remain in place during all construction activities on Lots 2 & 11. (P)

7. Watering all active construction areas twice daily and more often during windy periods. Active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives. (*Mitigation Measure III.d-1*) (P)
8. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least a 2-feet freeboard level within their truck beds. (*Mitigation Measure III.d-2*) (P)
9. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. (*Mitigation Measure III.d-3*) (P)
10. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites. (*Mitigation Measure III.d-4*) (P)
11. Sweep streets daily with water sweeper if visible soil material is carried onto adjacent public streets. (*Mitigation Measure III.d-5*) (P)
12. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.). (*Mitigation Measure III.d-6*) (P)
13. Install sandbags or other erosion control measures to prevent silt runoff to public roadways. (*Mitigation Measure III.d-7*) (P)
14. Plant vegetation in disturbed areas as quickly as possible. (*Mitigation Measure III.d-8*) (P)
15. Suspend excavation and grading (all earthmoving or other dust-producing activities during periods of high winds when watering cannot eliminate visible dust plumes or when winds exceed 25 mph (instantaneous gusts). (*Mitigation Measure III.d-9*) (P)
16. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site. (*Mitigation Measure III.d-10*) (P)
17. Limit the area subject to excavation, grading and other construction activity at any one time. (*Mitigation Measure III.d-11*) (P)
18. Pre-construction Surveys and Buffer Zones. A pre-construction survey for roosting bats should be conducted prior to demolition of the buildings. The survey should be conducted by a qualified bat biologist (i.e., a biologist holding a CDFG collection permit and a Memorandum of Understanding with DCFG allowing the biologist to handle and collect bats). No activities that would result in disturbance to active roosts would proceed prior to the completed surveys. If no active roosts are found, then no further action would be warranted. If either a maternity roost or hibernaculum is present, the following mitigation measure should be implemented. CDFG should also be notified of any active nurseries within the construction zone. (*Mitigation MeasureIV.a-d.1*) (P)
19. Exclude Bats Prior to Demolition of Roosts. If an active nursery roost is found, demolition of the buildings should commence before maternity colonies form (i.e., prior to March 1) or after young are volant (flying) (i.e., after July 31). If a non-breeding bat hibernaculum is found, the individuals should e safely evicted, under the direction of a qualified bat biologist (as determined by a Memorandum of understanding with CDFG), by opening the roosting area to allow air flow. Demolition should then follow no sooner than the following day (i.e., there should be no less than on e night between initial disturbance for air flow and the demolition). This action should allow bats to leave during dark hours, thus increasing the

chance of finding new roosts with a minimum of potential predation during daylight. (*Mitigation Measure IV.a-d.2*) (P)

20. Prior to any tree removal, the applicant shall submit to the City a landscape plan showing all existing trees on site, with species, common name, circumference, trees proposed for removal, and replacement at a 2:1 ratio of 36" box trees to Planning Staff approval. (*Mitigation Measure IV.a-d.3*) (P)

21. Prior to issuance of grading permits, the project archeologist shall conduct a detailed evaluation of subsurface construction plans when these plans become available to determine the areas that will be impacted by grading and trenching. (*Mitigation Measure V.b-d.1*) (P)

22. The project archeologist shall hand excavate a salvage sample of 5% deposit that is to be impacted by grading and trenching and analyzed with the results to be presented in a final written report to the City. This excavation will be implemented to gather data from the parts of the site which are proposed for disturbance and will occur prior to the issuance of any building or grading permits. (*Mitigation Measure V.b-d.2*) (P)

23. All earth moving activities of native soils during construction shall be monitored by a qualified archaeologist. (*Mitigation Measure V.b-d.3*) (P)

24. In the event during monitoring, significant prehistoric traces (human remains, artifacts, concentrations of shell/bone/rock/ash) are encountered, all construction within a fifty meter radius of the find should be stopped and the applicant will notify the Planning Division immediately. The project archaeologist shall examine the find and make appropriate recommendations based on State and local regulations and City Council Resolution No. 7287. The applicant will abide by the archeologist's recommendations. (*Mitigation Measure V.b-d.4*) (P)

25. The project archaeologist will produce a report that thoroughly discusses the site with archival documentation, description and analysis of archaeological finding s to preserve significant information relating to the site. The report shall include a signed statement from the project archaeologist that all mitigation measures have been complied with. The report will be submitted to City Planning Staff and the Northwest Information Center of the California State Inventory. (*Mitigation Measure V.b-d.5*) (P)

26. Prior to demolition permit issuance or any pre-demolition activities, a Phase I Environmental Assessment detailing the project site history and potential for soil/groundwater hazardous materials contamination shall be submitted to the Planning Division for review. (*Mitigation Measure VII-b-1*) (P)

27. Project grading and construction activities shall not occur outside the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends, and shall not occur on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, as per the City of Milpitas Noise Ordinance. (*Mitigation Measure XI-a-1*) (P)

28. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provisions are a material (demand/supply) condition to this approval. (E)

29. Prior to issuance of any building permits, developer shall obtain approval from the City Engineer of the water, sewer and storm drain studies for this development. These studies shall identify the development's effect on the City's present Master Plans and the impact of this development on the trunk lines. If the results of the study indicate that this development contributes to the over-capacity of the trunk line, it is anticipated that the developer will be required to mitigate the overflow or shortage by construction of a parallel line or pay a mitigation charge, if acceptable to the City Engineer. (E)

30. At the time of final map approval, the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study prior to final map approval. (E)

31. Show on the tentative map how the site will drain. Drainage facilities outletting sump conditions shall be designed to convey the flows and protect all buildings. There should be no overbank drainage from the developed portion of the site into the creek. For developed portion of the site, storm water runoff should be collected and distributed to the City's storm drain system. The existing storm drain outfalls shall be capped and/or removed. (E)

32. Prior to final map approval, the developer shall obtain design approval and bond for all necessary public improvements along Calaveras Road, including but not limited to curb and gutter, pavement, sidewalk, signage and striping, street lights, fire hydrants, storm drain, sewer and water services and adjustment of all existing utility boxes to grade. Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. The developer shall also execute a secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials. Prior to building occupancy permit issuance of the last building, all public improvements shall be completed. (E)

33. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, plan check and inspection deposit. (E)

34. Prior to final map recordation, the developer shall pay a $15,000 contribution towards the design and /or construction of a traffic signal improvements or other traffic safety improvements at Calaveras Boulevard/Piedmont-Evans Road intersection. (E)

35. Prior to any building permit issuance developer shall submit an executed petition to annex the subject property into the CFD 2005-1, with respect to the property, the special taxes levied by Community Facility District (CFD 2005-1) for the purpose of maintaining the public services. The petition to annex into the CFD shall be finalized concurrently with the final map recordation or prior to any building permit issuance, whichever occurs first. The developer shall comply with all rules, regulations, policies and practices established by the State Law and/or by the City with respect to the CFD including, without limitation, requirements for notice and disclosure to future owners and/or residents. (E)

36. In accordance with Milpitas Municipal Code XI-1-7.02-2, the developer shall underground all existing wires between the utility poles number 1 and 3, 2 and 5, and poles 3 to 7, with utility poles number 3, 4, 5, and 6 to be removed, as shown on the Engineering Services Exhibit "T" dated 9/12/2005 with the exception of transmission lines supported by metal poles carrying voltages of 37.5KV or more do not have to be undergrounded. In addition to existing overheads and proposed services, developer shall also underground existing services to the adjacent property on the Southeast corner of Calaveras Road and Piedmont Drive intersection. (E)

37. Prior to recordation of any final map, the developer shall submit to the City a digital format of the final map (AutoCAD format). All final maps shall be tied to the North America Datum of 1983 (NAD 83), California Coordinate of 1983, zone 3. (E)

38. The final map shall be recorded prior to issuance of any building permit. (E)

39. The final map shall show a 15-foot wide backyard setback restriction, as shown on the engineering services exhibit "T", dated 1/26/2006. No permanent structures such as buildings, pools, storage shed and other structures will be permitted within this restricted area. (E)

40. The developer shall dedicate on the final map necessary public service utility easements, street easements and easements for water and sanitary sewer purposes. (E)

41. Prior to final map recordation, developer shall dedicate to Santa Clara Valley Water District necessary easement/deed for Flood Control and Drainage Purposes, as shown on the Engineering services Exhibit "T" dated, 1/26/2006. (E)

42. The developer shall submit the following items with the building permit application and pay the related fees prior to final inspection (occupancy) by the Building Division:

    A. Water Service Agreement(s) for water meter(s) and detector check(s).

    B. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.

    Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s). (E)

43. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation.

44. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep rooted shrub are permitted within City utility easements, where the easement is located within landscape areas. (E)

45. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), developer may be required to obtain a permit for removal of any existing tree(s). Contact the Street Landscaping Section at (408) 586-2601 to obtain the requirements and forms. (E)

46. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Contact the

RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)

47. This project is below the 1-acre impervious surface threshold therefore it is exempt from Regional Water Quality Control Board's C.3 requirements. (E)

48. Prior any grading permit issuance, developer shall submit plan to Santa Clara Valley Water District (SCVWD) for review, and obtain their approval. Provide a slope stability analysis on the existing wall/slope for the proposed Fill and retaining wall along the creek side. All correspondence with SCVWD shall be provided to the City. (E)

49. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)

50. It is the responsibility of the developer to obtain any necessary encroachment permits from affected agencies, including but not limited to, Pacific Gas and Electric, SBC, Comcast, and Santa Clara Valley Water District. Copies of approvals or permits from other agencies must be submitted to the City of Milpitas Engineering Division. (E)

51. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities. (E)

52. Developer shall submit to the City for approval, a Demolition Plan for the existing buildings to be removed. All utilities shall be properly disconnected before the building can be demolished. Submitted plan shall clearly show (state) how the water service(s), sewer service(s) and storm service(s) will be disconnected. (E)

53. Make changes as noted on Engineering Services Exhibit "T" (dated 1/26/2006) and submit a Mylar of the revised tentative map to the Planning Division within three weeks of this tentative map approval. No application for the review of the final map or improvement plans will be accepted until this condition is satisfied. (E)

(P) – Planning Division
(E) – Engineering Division

Calaveras Country Estates, LLC
968 Hanson Ct
Milpitas, CA 95035

9/8/04

To:
City of Milpitas
Planning Division
455 E. Calaveras Blvd
Milpitas, CA 95035

Letter of Explanation regarding Proposal

Proposal for Tentative Map application on
2016, 2040 & 2064 E. Calaveras.

The parcel is zoned R1-6 per City's general
Plan; the proposed use is the same as the current residential use.

The current site is around .73 acre; each proposed lot is a minimum of 6,000 sq feet per general plan.

Sincerely,

Sylvia Leung
Applicant

City of H
2/2/06

2005 STREET TREE INSPECTION

REF #	ADDRESS	TREE #	TYPE	AGE	DBH	HEIGHT	CANOPY		STRUCTURE*						ROOTS*				NOTES
							HEIGHT	WIDTH	Poor architecture	Overgrown canopy	Dead wood	Cracks	Weak attachments	Decay	Surface	Growing space	Girdling	Property damage	
	R = Remove																		
1	R	1	Spruce	28" c	9	25	20	8											
2	R	2	Olive 113" c	100	36	35	30	40											
3	R	3	81" c		26	35	30	35											
4	R	4	72" c		23	35	30	30											
5	R	5	106" c		34	35	30	35											
6		6	Avacado 40" c	35	14	22	20	23											
7	R	7	Olive 116" c	100	37	35	30	40											
8	R	8	Palm 62" c	20	20	25	12	12											
9	R	9	Avacado 40" c	14	14	25	20	20											
10	R	10	Willow 69" c	50	22	35	20	35											
11		11	Pepper 144" c	80	46	35	30	35											
12		12	Pine 18" a	12	6	20	20	15											
13		13	Willow 113" c	40	36	50	45	40		Neighbor's yard									
14	R	14	Platanus 15" c	15	5	18	12	18											
15		15	Eucalyptus 157" c	100	50	90	80	70		City of Milpitas									

*RATING SCALE 0 (none) 1 (low) 2 (medium) 3 (high) 4 (severe)

INSPECTOR: MB PAGE ____ OF ____ DATE: 8-31-05

3

County of Santa Clara

Office of the County Clerk-Recorder
Business Division

County Government Center
70 West Hedding Street, E. Wing, 1st Floor
San Jose, California 95110 (408) 299-5665

ENVIRONMENTAL DECLARATION

For CLERK-RECORDER'S USE ONLY

POSTED ON 2/2/06 THROUGH 2/22/06
IN THE OFFICE OF THE COUNTY CLERK-RECORDER
BRENDA DAVIS, COUNTY CLERK
BY _____ DEPUTY

FOR CLERK-RECORDER FILING STAMP

ENDORSED

FEB 0 2 2006

BRENDA DAVIS, County Clerk-Recorder
Santa Clara County
By _____ Deputy

CLERK-RECORDER FILE NO.

CA Dept. of Fish and Game Receipt #

NAME OF LEAD AGENCY: City of Milpitas

NAME OF APPLICANT: Sylvia Leung

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

1. (X) NOTICE OF ~~PREPARATION~~ Intent to Adopt a Mitigated Negative Declaration
2. ( ) NOTICE OF EXEMPTION
3. NOTICE OF DETERMINATION
   NEGATIVE DECLARATION PURSUANT TO PUBLIC RESOURCES CODE § 21080(C)
   - ( ) **$1300.00 REQUIRED ($1250.00 STATE FILING FEE AND $50.00 COUNTY CLERK FEE)**
   - ( ) IF CERTIFICATE OF EXEMPTION AND/OR DE MINIMUS IMPACT FINDING STATEMENT ATTACHED - **$50.00 COUNTY CLERK FEE REQUIRED**
4. NOTICE OF DETERMINATION
   ENVIRONMENTAL IMPACT REPORT PURSUANT TO PUBLIC RESOURCES CODE § 21152
   - ( ) **$900.00 REQUIRED ($850.00 STATE FILING FEE AND $50.00 COUNTY CLERK FEE)**
   - ( ) IF CERTIFICATE OF EXEMPTION AND/OR DE MINIMUS IMPACT FINDING STATEMENT ATTACHED - **$50.00 COUNTY CLERK FEE REQUIRED**
5. Other: _____

NOTICE TO BE POSTED FOR 20 DAYS.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL ENVIRONMENTAL DOCUMENTS LISTED ABOVE (*INCLUDING COPIES*) SUBMITTED FOR FILING.
CHECKS SHOULD BE MADE PAYABLE TO : COUNTY CLERK-RECORDER.

ENVIRONMENTAL IMPACT ASSESSMENT NO: EA2004-13

Planning Division 455 E. Calaveras Blvd., Milpitas, CA 95035 (408) 586-3279

Prepared by: Kim Duncan February 2, 2006
date

Title: Project Planner

1. Project title: CALAVERAS COUNTRY ESTATES, EIA No. EA2005-8, MA2004-3, ZC2004-1, SA2005-16

2. Lead Agency Name and Address: CITY OF MILPITAS, 455 E. CALAVERAS BOULEVARD, MILPITAS, CA 95035

2. Project location: 2016 CALAVERAS ROAD (APN: 088-16-041)

3. Project sponsor's name and address:
Sylvia Leung, 968 Hanson Court, Milpitas, CA 95035

4. General plan designation: Single Family Low Density 5. Zoning: Agriculture (A)

6. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.) Approval of a Major Tentative Map to subdivide an existing .735 acre parcel to five (5) individual lots, rezone the parcels from Agriculture (A) to Single Family Residential (R1-6), and removal of ordinance sized protected trees, located at 2016 Calaveras Road (APN: 088-16-041), zoned Agriculture (A).

7. Surrounding land uses and setting: Briefly describe the project's surroundings:
The .735 acre project site is a rectangular parcel located at the base of the Diablo Range foothills near the southeast portion of Piedmont Road and Calaveras Road. The project site is bound to the north by Calaveras Road, to the west by Piedmont Road, to the east by the Old Piedmont Road (abandoned), and adjacent to the Arroyo de Los Coches channel. The parcel on the southeast corner of Piedmont Road and Calaveras Road, currently developed with a single-family residence (2004 Calaveras Road), is not a part of this application. The project site is currently developed with three (3) older single-family residences. Surrounding land uses include County owned undeveloped foothills to the north, multi-family residential (R3) to the northwest, single -family residential (R1-6) to the south (Piedmont Subdivision-PUD 76) and southwest, and park and open space (POS) to the east. The Alviso-Adobe is located approximately 130 feet southwest of the southeast corner of the project site across the abandoned Old Piedmont Road.

8. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
Santa Clara Valley Water District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

☐ Aesthetics ☐ Agriculture Resources ☐ Air Quality

☐ Biological Resources ☐ Cultural Resources ☐ Geology / Soils

☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality	☐ Land Use / Planning
☐ Mineral Resources	☐ Noise	☐ Population / Housing
☐ Public Services	☐ Recreation	☐ Transportation / Traffic
☐ Utilities / Service Systems	☐ Mandatory Findings of Significance	

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date: 2/2/06 Kim Duncan

Project Planner

A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project level, indirect as well as direct, and construction as well as operational impacts.

WILL THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact	Source
I. AESTHETICS:						
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☐	1,2,11
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☐	☒	1,2, 11 15,16
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☐	☒	1,2,18
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the areas?	☐	☐	☐	☐	☒	1,2,11
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☐	☒	2,11,13 14
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☐	☒	1,2,11
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☐	☒	1,2,11

WILL THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact	Source
III. AIR QUALITY: (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations). Would the project:						
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☐	☒	1,2,9
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☐	☒	1,2,9
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☐	☒	1,2,9
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	☐	1,2,9
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☐	☒	1,2,9
IV. BIOLOGICAL RESOURCES: Would the project:						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Games or U.S. Fish & Wildlife Service?	☐	☐	☒	☐	☐	1,2,7 17,27
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish & Games or U.S. Fish & Wildlife Service?	☐	☐	☒	☐	☐	1,2,7 17,27

WILL THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact	Source
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☐	☒	1,2,27
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐	☐	1,2,27
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☐	1,2,26 27
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☐	☒	1,2,7 27
V. CULTURAL RESOURCES: Would the project:						
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☐	☒	1,2,15 16,18
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☒	☐	☐	1,2,11 15,16 18,19
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☐	☒	1,2,7
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐	☐	1,2,7 18
VI. GEOLOGY AND SOILS: Would the project:						
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☐	☒	

WILL THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact	Source
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒	☐	1,2,3 8,11 18,19
ii) Strong seismic ground shaking?	☐	☐	☐	☒	☐	1,2,3 8,11,18 29
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	☐	1,2,3 8,11,18 29
iv) Landslides?	☐	☐	☐	☐	☒	1,2,3 8,11,18 29
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☐	☒	2,8,11 13,18 29
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☐	☒	2,3,8 11,18 29
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒	☐	2,3,8 11,29
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☐	☒	2,3,8 11
VII. HAZARDS AND HAZARDOUS MATERIALS:						
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☐	☒	1,2,11
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐	☐	1,2,9 19
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials,						1,2,13

WILL THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact	Source
substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☐	☒	
d) Be located on a site which is included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☐	☒	1,2,11
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒	1,2,11
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒	1,2,11
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☐	☒	1,2,11
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☐	☒	1,2,11 30
VIII. HYDROLOGY AND WATER QUALITY:						
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☐	☒	1,2,10 22
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	☐	☐	☐	☐	☒	1,2,21
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or situation on- or off-site?	☐	☐	☐	☐	☒	1,2,10 18

WILL THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact	Source
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☐	☒	1,2,10 20
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff as it relates to C3 regulations for development?	☐	☐	☐	☐	☒	1,2,10 19,23
f) Otherwise substantially degrade water quality?	☐	☐	☐	☐	☒	1,2,10 23
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☐	☒	2,20
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☐	☒	2,20
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☐	☒	2,11 20
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☐	☒	2,11 20
IX. LAND USE AND PLANNING:						
a) Physically divide an established community?	☐	☐	☐	☐	☒	2,11 12

WILL THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact	Source
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☐	☒	2,11 12,13
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☐	☒	2,11 12,13
X. MINERAL RESOURCES:						
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☐	☒	2,11 29
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☐	☒	2,11 29
XI. NOISE:						
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	☐	2,11 18
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☐	☒	2,11 18
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☐	☒	2,11 18
d) A substantial temporary or periodic in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☐	☒	1,2,11 18,19

WILL THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact	Source
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☒	2,11 12
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☒	2,11 12
XII. POPULATION AND HOUSING:						
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☐	☒	2,11,13
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☐	☒	2,11, 13,17
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☐	☒	2,11, 13,17
XIII. PUBLIC SERVICES:						
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection? Police protection? Schools? Parks? Other public facilities?	☐	☐	☐	☐	☒	1,2,11, 13,30
XIV. RECREATION:						

WILL THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact	Source
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☐	☒	2,11 13
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have been an adverse physical effect on the environment?	☐	☐	☐	☐	☒	2,11 13
XV. TRANSPORTATION/TRAFFIC: Would the project:						
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☐	☒	1,2,11 12,14
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☐	☒	1,2,11 13,14
c) Result in a change in air traffic patterns, *including either an increase in traffic levels* or a change in location that results in substantial safety risks?	☐	☐	☐	☐	☒	2,11 13
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☐	☒	2,11 13
e) Result in inadequate emergency access?	☐	☐	☐	☐	☒	2,11 13
f) Result in inadequate parking capacity?	☐	☐	☐	☐	☒	2,11 13

WILL THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact	Source
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☐	☒	2,11,13
XVI. UTILITIES AND SERVICE SYSTEMS: Would the project:						
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☐	☒	2,11 22
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☐	☒	2,11 22
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☐	☒	2,11 23
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☐	☒	2,11 21
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☐	☒	2,11 22
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☐	☒	2,11
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☐	☒	2,11 26

WILL THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact	Source
XVII. MANDATORY FINDINGS OF SIGNIFICANCE:						
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	☐	☐	☒	☐	☐	1,2,7,9, 17,26 27
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☐	☒	1,2,7 11,13 14,15 16,18 19
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	☐	1,2,3,8, 11,13 18,19 21,22 23,30

ENVIRONMENTAL IMPACT ASSESSMENT SOURCE KEY

1. Environmental Information Form submitted by applicant
2. Project plans
3. Site Specific Geologic Report submitted by applicant
4. Traffic Impact Analysis submitted by applicant
5. Acoustical Report submitted by applicant
6. Archaeological Reconnaissance Report submitted by applicant
7. Other EIA or EIR (appropriate excerpts attached)
8. Alquist-Priolo Special Studies Zones Maps
9. BAAQMD Guidelines for Assessing Impacts of Projects and Plans
10. Santa Clara Valley Water District
11. Milpitas General Plan Map and Text
12. Milpitas Midtown Specific Plan Map and Text
13. Zoning Ordinance and Map
14. Aerial Photos
15. Register of Cultural Resources in Milpitas
16. Inventory of Potential Cultural Resources in Milpitas
17. Field Inspection
18. Planner's Knowledge of Area
19. Experience with other project of this size and nature
20. Flood Insurance Rate Map, September 1998
21. June 1994 Water Master Plan
22. June 1994 Sewer Master Plan
23. July 2001 Storm Master Plan
24. Bikeway Master Plan
25. Trails Master Plan
26. Other: Milpitas Municipal Code
27. Other: Biotic Assessment by H.T. Harvey, dated December 12, 2005
28. Other: Resolution 6287-Burial Policy on Native American Burials

WILL THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact	Source

29. Other: Seismic Hazard Evaluation Letter Report by John Coyle & Assso., dated April 26, 2005

30. Other: Milpitas Fire Division

CITY OF MILPITAS

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CALAVERAS COUNTRY ESTATES ENVIRONMENTAL IMPACT ASSESSMENT (EA2005-8) INITIAL STUDY

ENVIRONMENTAL CHECKLIST RESPONSES AND ANALYSIS

The following discussion includes explanations of answers to the above questions regarding potential environmental impacts, as indicated on the preceding checklist. Each subsection is annotated with the number corresponding to the checklist form.

EXISTING SETTING:

The .735 acre project site is a rectangular parcel located at the base of the Diablo Range foothills near the southeast portion of Piedmont Road and Calaveras Road. The project site is bound to the north by Calaveras Road, to the west by Piedmont Road, to the east by the Old Piedmont Road (abandoned), and adjacent to the Arroyo de Los Coches channel. The parcel on the southeast corner of Piedmont Road and Calaveras Road, currently developed with a single-family residence (2004 Calaveras Road), is not a part of this application. The project site is currently developed with three (3) older single-family residences. Surrounding land uses include County owned undeveloped foothills to the north, multi-family residential (R3) to the northwest, single -family residential (R1-6) to the south (Piedmont Subdivision-PUD 76) and southwest, and park and open space (POS) to the east. The Alviso-Adobe is located approximately 130 feet southwest of the southeast corner of the project site across the abandoned Old Piedmont Road. There are no onsite agricultural, mineral resources, watercourses, sensitive receptors, or sensitive land uses. The project site is designated by the Milpitas General Plan as Single Family Low Density.

PROJECT DESCRIPTION:

Subdivision of an existing .735 acre parcel to five (5) individual lots, rezone the parcels from Agriculture (A) to Single Family Residential (R1-6), and remove approximately four (4) ordinance sized protected trees, located at 2016 Calaveras Road (APN: 088-16-041), zoned Agriculture (A).

Attachment to CALAVERAS COUNTRY ESTATES, EA2005-8, ZC2004-1, MA2004-3, SA2005-16

Discussion of Checklist/Legend

PS: Potentially Significant Impact
LS/M: Less Than Significant with Mitigation Incorporation
LS: Less Than Significant Impact
NI: No Impact

I. AESTHETICS

Environmental Impacts

a) Have a substantial adverse effect on a scenic vista? LS

The .735 acre project site is located at the base of the Diablo Range foothills near the southeast portion of Piedmont Road and Calaveras Road. Surrounding land uses include County owned undeveloped foothills to the north, multi-family residential (R3) to the northwest, single -family residential (R1-6) to the south (Piedmont Subdivision-PUD 76) and southwest, and park and open space (POS) to the east. The project site is currently developed with three (3) older single-family residences that are not identified as designated historic structures in the Milpitas Historic Inventory. The site is currently zoned Agriculture (A) and the General Plan designation is Single Family Low Density (Valley Floor Planning area). In addition, the project site is located within a Major Visual Gateway as part of the Scenic Corridor, as shown on the Scenic Resources and Routes General Plan Map. Lands within the Scenic Corridor are subject to special design controls and height limitation. However, because the project site is within the Valley Floor Planning area, it is exempt from the General Plan Scenic Corridor policies. In addition, the applicant is proposing to rezone to Single Family Residential (R1-6), in which development standards are more restrictive with fewer visual impacts than other zoning districts. Therefore, because the project site is located in the Valley Floor Planning area and proposed to be rezoned to a more restrictive zoning district, the impacts would be considered *less than significant*.

b & c) Substantially degrade the existing visual character or quality of the site and its surroundings, or create a new source of substantial light or glare, which would adversely affect day or nighttime views in the areas? NI

The project site is currently developed with three (3) residential structures on site. The project would construct a total of five (5) new residential structures, therefore the existing visual character of the site or surroundings would not be substantially degraded. In addition, as part of the building permit process,

the applicant will submit construction drawings with lighting plan to the City for review and approval..

III. AIR QUALITY

Environmental Impacts

d) Expose sensitive receptors to substantial pollutant concentrations? LS/M

Air quality impacts associated with construction activities are anticipated to consist of airborne dust particles as earthwork commences. This stray dust has the potential for nuisance and could be considered significant on a temporary and localized basis. Implementation of the following mitigation measures during construction (listed below) will reduce this air quality impact to *less than significant with mitigation.*

e) Create objectionable odors affecting a substantial number of people? NI

The project site is located in an existing industrial park developed with numerous R&D and warehouse buildings. The project consists of demolishing the existing R&D building and constructing twelve (12) new R&D buildings. No chemical use or materials are proposed that would create objectionable odors.

Mitigation Measure III.d-1
Watering all active construction areas twice daily and more often during windy periods. Active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.

Mitigation Measure III.d-2
Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least a 2-feet freeboard level within their truck beds.

Mitigation Measure III.d-3
Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.

Mitigation Measure III.d-4
Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.

Mitigation Measure III.d-5
Sweep streets daily with water sweeper if visible soil material is carried onto adjacent public streets.

Mitigation Measure III.d-6

Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).

Mitigation Measure III.d-7
Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

Mitigation Measure III.d-8
Plant vegetation in disturbed areas as quickly as possible.

Mitigation Measure III.d-9
Suspend excavation and grading (all earthmoving or other dust-producing activities during periods of high winds when watering cannot eliminate visible dust plumes or when winds exceed 25 mph (instantaneous gusts).

Mitigation Measure III.d-10
Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.

Mitigation Measure III.d-11
Limit the area subject to excavation, grading and other construction activity at any one time.

IV. BIOLOGICAL RESOURCES

Environmental Impacts

a) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate sensitive, or special status species? LS/M
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community? LS/M
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? LS/M
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. LS/M

The .73-acre project site is located adjacent and north of the Arroyo de Los Coches channel. A Biotic Assessment, conducted by H.T. Harvey & Associates (dated December12, 2005), identified suitable nesting habitat for the Loggerhead Shrike (*Lanius ludovicianus*) (Species of Concern) and White-tailed Kite (*Elanus leucurus*) (Fully Protected), as well as potential roosting sites in the existing buildings for the Pallid Bat (*Antrozous pallidus*)

(Species of Special Concern). According to the assessment, White-tailed Kites and Loggerhead Shrikes are not uncommon in the San Francisco Bay area, with populations not at risk of local extirpation, and use habitats that are not locally limiting, therefore loss of nesting sites would not be considered significant. In addition, the existing buildings provide potential roost sites for the Pallid bat and other species of bats. Demolition of the existing buildings would not result in a significant impact to bat roosting habitat, however if bats occupy the existing buildings, demolition could result in the direct loss of bat colonies, including special-status species such as the Pallid bat. The direct loss of individuals in a hibernaculum could eliminate an entire colony due to the loss of pregnant females, resulting in a significant impact. Pre-construction surveys, buffer zones, and exclusion of bats prior to demolition of roots would reduce these potential impacts to a *less-than-significant level.*

The Assessment determined the project site itself lacks suitable habitat for the federally –listed California red-legged frog (*Rana aurora draytonii*) and California tiger salamander (*Ambystoma californiense*). However, the red-legged frog could occur in the adjacent reach of the Arroyo de Los Coches with breeding habitat such as fresh water emergent or dense riparian vegetation. Suitable breeding habitat for this species occurs several miles upstream from the project site. According to the U.S. Fish and Wildlife Service, the normal maximum dispersal distance for the species is 0.7 miles. However, vertical rock gabions and retaining walls along the creek adjacent to the project site would prevent dispersal of red-legged frogs out of the creek. Therefore, red-legged frogs are not expected to occur on the site and the impact would be considered *less than significant.* In addition, impacts associated with construction activities are anticipated to consist of airborne dust particles as earthwork commences. This stray dust could be considered significant on a temporary and localized basis and impact the quality of habitat in the Arroyo de Los Coches channel adjacent to the project site. However, implementation of Best Management Practices during construction (Air Quality mitigation measures as noted above) would reduce this impact to *less than significant with mitigation.*

Vegetation on the project site consists of robust exotic herbs, including wild lettuce (*Lactuca serriola*), yellow star-thistle (*Centaurea solstitialis*), and native willow herb (*Epilobium brachycarpum*). The dominant vegetation consists of non-native trees, including a large blue gum (*Eucalyptus globosus*) in the northeaster corner, several mature olives (*Olea europea*) in the western portion, and one large red willow (*Salix laevigata*)in the south-central portion of the property. Peruvian peppertree (*Schinus molle*), California fan palm (*Washingtonia filifera*) and a variety of ornamental shrubs also occur on the property. According to a tree survey conducted by City staff, there are fifteen (15) trees on site of which twelve (12) are identified as ordinance size protected trees (37" circumference or greater). The proposed building footprints and driveways would require the removal of

approximately six (6) existing trees, approximately four (4) of which are protected. The removal of protected trees on site could be considered significant, however, as a condition of approval for removal of these protected trees, the applicant will be required to replace the trees at a 2:1 ratio with 36" box trees, therefore the impact would be *less than significant.*

Mitigation MeasureIV.a-d.1

Pre-construction surveys and Buffer Zones. A pre-construction survey for roosting bats should be conducted prior to demolition of the buildings. The survey should be conducted by a qualified bat biologist (i.e., a biologist holding a CDFG collection permit and a Memorandum of Understanding with DCFG allowing the biologist to handle and collect bats). No activities that would result in disturbance to active roosts would proceed prior to the completed surveys. If no active roosts are found, then no further action would be warranted. If either a maternity roost or hibernaculum is present, the following mitigation measure should be implemented. CDFG should also be notified of any active nurseries within the construction zone.

Mitigation Measure IV.a-d.2

Exclude Bats Prior to Demolition of Roosts. If an active nursery roost is found, demolition of the buildings should commence before maternity colonies form (i.e., prior to March 1) or after young are volant (flying) (i.e., after July 31). If a non-breeding bat hibernaculum is found, the individuals should e safely evicted, under the direction of a qualified bat biologist (as determined by a Memorandum of understanding with CDFG), by opening the roosting area to allow air flow. Demolition should then follow no sooner than the following day (i.e., there should be no less than on e night between initial disturbance for air flow and the demolition). This action should allow bats to leave during dark hours, thus increasing the chance of finding new roosts with a minimum of potential predation during daylight.

Mitigation Measure IV.a-d.3

Prior to any tree removal, the applicant shall submit to the City a landscape plan showing all existing trees on site, with species, common name, circumference, trees proposed for removal, and replacement at a 2:1 ratio of 36" box trees to Planning Staff approval.

V. CULTURAL RESOURCES

Environmental Impacts

a & c) Cause a substantial adverse change in the significance of a historical resource, or destroy a unique palenontological resouce? NI

The project site does not contain any locally or State designated historic resources, an no palenontological resources have been identified onsite, therefore no substantial adverse change is anticipated.

b) Cause a substantial adverse change in the significance of an archaeological resource? LS/M
d) Disturb any human remains, including those interred outside of formal cemeteries? LS/M

The project site is located at the base of the Diablo Range foothills with the Arroyo de Los Coches creek adjacent to the south. Directly south of the Arroyo de Los Coches is the Piedmont Subdivision (PUD 76) which was approved in 1999. Native American archaeological sites in the Milpitas area of Santa Clara County tend to be situated at the base of hills on alluvial flats near a source of fresh water, and near the historic margins adjacent to the San Francisco Bay. The proposed project is located at the base of the foothills that define the eastern edge of the City, as well as adjacent to the Arroyo de Los Coches. Given its location and setting, it is possible that the project site may contain Native American archaeological resources. Grading activities during the construction of the proposed project could result in the discovery of unknown human remains or artifacts.

According to an Archaeological Study (dated 11/24/97) for the Piedmont Subdivision, the project area is located within an identified "Cultural Resource Zone", an area sensitive for historic and prehistoric cultural materials. The Study determined the project could have a *significant impact* on the Resource Zone. Mitigation for the Piedmont project required a project archaeologist conduct a detailed evaluation of subsurface construction plans prior to construction, hand excavate a salvage sample of 5% deposit that is to be impacted by grading/trenching and analysis, monitoring of all earth moving activities of native soils, cessation of all construction in the event of prehistoric traces (human remains, artifacts, concentrations of shell/bone/rock/ash) are encountered, and an archaeologist report discussing the site with archival documentation, description, and analysis of archaeological findings to preserve significant information relating to the site. These mitigation measures (listed below) would reduce the potentially significant impacts to archaeological resources and disturbance of human remains to *less than significant with mitigation.*

Mitigation Measure V.b-d.1
Prior to issuance of grading permits, the project archeologist shall conduct a detailed evaluation of subsurface construction plans when these plans become available to determine the areas that will be impacted by grading and trenching

Mitigation Measure V.b-d.2
The project archeologist shall hand excavate a salvage sample of 5% deposit that is to be impacted by grading and trenching and analyzed with the results to be presented in a final written report to the City. This excavation will be implemented to gather data from the parts of the site which are proposed for disturbance and will occur prior to the issuance of any building or grading permits.

Mitigation Measure V.b-d.3
All earth moving activities of native soils during construction shall be monitored by a qualified archaeologist.

Mitigation Measure V.b-d.4
In the event during monitoring, significant prehistoric traces (human remains, artifacts, concentrations of shell/bone/rock/ash) are encountered, all construction within a fifty meter radius of the find should be stopped and the applicant will notify the Planning Division immediately. The project archaeologist shall examine the find and make appropriate recommendation s based on State and local regulations and City Council Resolution No. 7287. The applicant will abide by the archeologist's recommendations.

Mitigation Measure V.b-d.5
The project archaeologist will produce a report that thoroughly discusses the site with archival documentation, description and analysis of archaeological finding s to preserve significant information relating to the site. The report shall include a signed statement from the project archaeologist that all mitigation measures have been complied with. The report will be submitted to City Planning Staff and the Northwest Information Center of the California State Inventory.

VI. GEOLOGY AND SOILS

Environmental Impacts

a-i) Rupture of a known earthquake fault? LS
a-ii) Stong seismic ground shaking? LS
a-iii) Seismic related ground failure, including liquefaction? LS
d) Located on expansive soils? LS

The project site is located at the base of the Diablo Range of a predominantly residential district, east of Piedmont Road. According to the Alquist-Priolo Earthquake Fault Zoning Map, and a Seismic Hazards Evaluation Letter Report conducted by John Goyle & Associates (dated April 26, 2005), the site is located within the Alquist-Priolo Special Studies Zone (A-P zone), however no active faults are known to cross beneath the parcel. The Hayward and Crosley faults are located northeast of the property (approximately 1,500 feet and 200 feet, respectively). In addition, the General Plan Geotechnical Hazards Map (Figure 5-1) indicates the project site is located in an area of expansive soils. According to the Report, seismic hazards that could impact the property include ground-surface rupture, seismically-induced ground shaking, and liquefaction. County Seismic Hazards maps show the property is not located in a seismically –induced liquefaction hazards zone. The Report determined there was no evidence for active faulting on the parcels to the south and southeast, and the potential for a fault to traverse the subject property is very low, therefore the risk of ground-surface rupture at the subject property is also very low. The City's

building permit process requires a site-specific soils report and compliance with seismic safety construction standards as part of the city's building permit review and construction inspection process, therefore the impacts anticipated regarding seismic ground shaking, expansive soils, or liquefaction are *less than significant.*

VII. HAZARDS AND HAZARDOUS MATERIALS

Environmental Impacts

a & c) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or emit hazardous emissions or handle hazardous materials or wastes within one-quarter mile of an existing or proposed schol? NI

The project does not include the routine transport, use, or disposal of hazardous materials, nor is the project site within one-quarter mile of a school.

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? LS/M.

The project site is developed with three (3) residential structures that were constructed approximately 1901-1930. Typically, buildings constructed prior to 1980 have the potential to contain asbestos or lead-based paints within the building materials. Construction activities proposed by the project may involve use and transport of hazardous materials, including contaminated soil and/or groundwater, and building demolition debris containing lead and asbestos. Removal, relocation, and transportation of hazardous materials could result in accidental releases or spills, potentially posing health risk to workers, the public, and environment, therefore the impact would be considered significant unless mitigated. As part of the permitting process, contractors are required to obtain approval from the Bay Area Air Quality Management District to remove asbestos and approval from the Department of Toxic Substances for removal of lead based paint.

However, in order to determine if there are significant groundwater or soil associated hazardous materials on site, the applicant shall submit to the City an Environmental Site Assessment with recommendations and guidelines in order to mitigate environmental exposure and to segregate the hazardous materials from non-hazardous construction debris. Therefore, with an Environmental Site Assessment and applicable State regulations, the impact of hazardous material exposure would be reduced to a level *considered less than significant with mitigation.*

Mitigation Measure VII-b-1

Prior to demolition permit issuance or any pre-demolition activities, a Phase I Environmental Assessment detailing the project site history and potential for soil/groundwater hazardous materials contamination shall be submitted to the Planning Division for review.

VII. HYDROLOGY AND WATER QUALITY

a, b, c, d) The project site is located on the southwest portion of Calaveras and Piedmont Roads and is not within a 100-yuear flood hazard area. The existing site is developed with three (3) residential structures and is hooked up to City utilities (sewer, water). The addition of 2 new residences will not violate any water quality standards or waste discharge requirements, deplete groundwater supplies or alter the existing drainage pattern of the site

XI. NOISE

Environmental Impacts

a) Substantial temporary or periodic increase in ambient noise level in the project vicinity above levels existing without the project? LS/M

The project site is developed with three (3) residential structures and residential uses (Single-Family and Multi-Family) located to the northwest, west, south, and southeast of the project site. The proposal includes demolition of the three (3) existing residential structures and construction of five (5) new single-family homes. Project construction noise may create temporary adverse impacts to surrounding residential land sues. Therefore, the following mitigation measure is recommended during all construction activities to reduce the impact to *less than significant with mitigation.*

Mitigation Measure XI-a-1
Project grading and construction activities shall not occur outside the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends, and shall not occur on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, as per the City of Milpitas Noise Ordinance.

XII. POPULATION AND HOUSING

a, b, c) Induce substantial population growth in an area, displace substantial numbers of existing housing, or numbers of people? NI

The project site is currently developed with 3 residential structures. The project will demolish the existing structures and provide for 5 separate parcels to construct new residential structures, therefore substantial population growth will not be induces and substantial numbers of housing/people will not be displaced.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels,

threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? NS/M

b) Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? NI

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? LS/M.

CITY OF MILPITAS

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MITIGATED NEGATIVE DECLARATION
ENVIRONMENTAL IMPACT ASSESSMENT (EIA) NO. EA2005-8

A NOTICE, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED (PUBLIC RESOURCES CODE 21,000 ET SEQ.), THAT CALAVERAS COUNTRY ESTATES, WHEN IMPLEMENTED WITH THE REQUIRED MITIGATIONS, WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.

Project Title: Calaveras Country Estates

Project Description: Subdivision of a .73 acre parcel to five (5) individual lots, rezone the parcels from Agriculture (A) to Single Family Residential (R1-6), and remove approximately four (4) ordinance sized protected trees, located at 2016 Calaveras Road.

Project Location: A .73 acre parcel located at the foothills of the Diablo Range located at 2016 Calaveras Road, southeast portion of Calaveras and Piedmont Roads, adjacent to the Arroyo de Los Coches channel, within the City of Milpitas, County of Santa Clara. Assessor's Parcel Number: 088-16-041.

Project Proponent: Sylvia Leung, 968 Hanson Court, Milpitas, CA 95035.

The City of Milpitas has reviewed the Environmental Impact Assessment for the above project based on the information contained in the Environmental Information Form (E.I.F.) and the Initial Study and finds that the project will have no significant impact upon the environment with the implementation of the following mitigation measures, as recommended in the EIA.

Required Mitigation Measures:

Mitigation Measure III.d-1
Watering all active construction areas twice daily and more often during windy periods. Active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.

Mitigation Measure III.d-2
Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least a 2-feet freeboard level within their truck beds.

Mitigation Measure III.d-3
Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.

3

H. T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS

CALAVERAS COUNTRY ESTATES
BIOTIC ASSESSMENT

Prepared by:

H. T. Harvey & Associates

Patrick Boursier, Ph.D., Principal
Stephen C. Rottenborn, Ph.D., Project Manager
Lisa Infante, M.S., Plant Ecologist
Laird Henkel, M.S., Wildlife Ecologist

Prepared for:

Green Earth Construction & Engineering, Inc.
968 Hanson Court
Milpitas, CA 95035
Attn: Ms. Sylvia Leung

December 12, 2005

Project No. 2619-01

3150 Almaden Expressway, Suite 145 • San Jose, CA 95118 • (408) 448-9450 • Fax: (408) 448-9454

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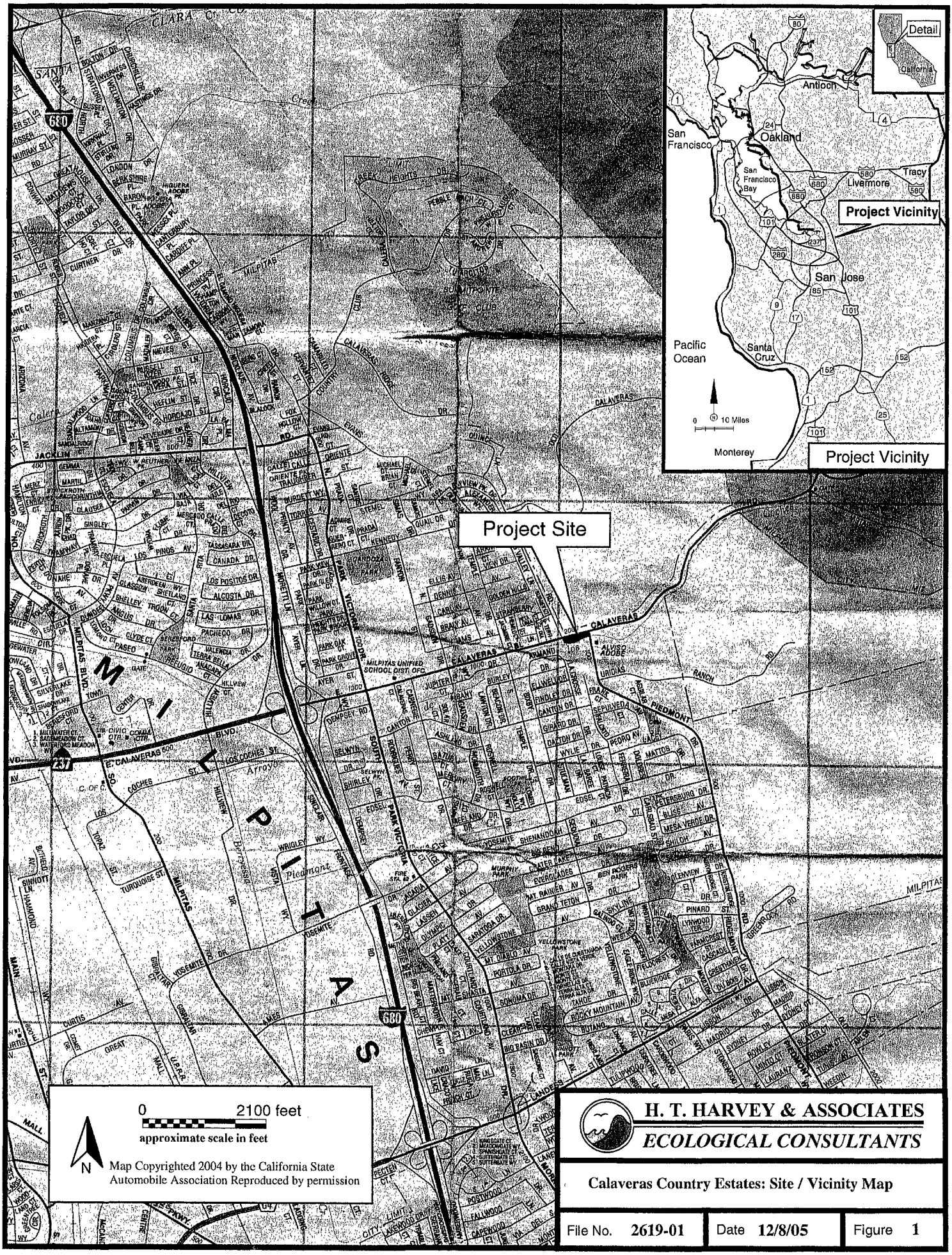
PROJECT DESCRIPTION

The project consists of the subdivision of an existing parcel comprising approximately one acre into five lots, and the construction of detached, single-family residences on each of the five lots. The parcel currently supports three residences.

GENERAL PROJECT AREA DESCRIPTION

The Calaveras Country Estates project site is located in the eastern portion of the City of Milpitas, in Santa Clara County, California (Figure 1). The parcel is situated at the base of the Diablo Range foothills, at the current limit of urban development; extensive grazed ranchlands border the site to the east. The site is otherwise surrounded by densely populated residential areas. Piedmont Road bounds the parcel to the west, Calaveras Road to the north, and the Arroyo de Los Coches to the south. The Calvary Church and historic Alviso Adobe lie just south of the property.

The project site lies at an elevation of approximately 180 feet and is generally level. Soils underlying the site are well-drained, fine-textured soils of the Altamont and Cropley series (Soil Conservation Service 1968). These soils are characterized by a high water-holding capacity and are deeply cracked when dry. The Arroyo de Los Coches, which forms the southern boundary of the site, flows in a westerly direction to Coyote Creek, which drains to the San Francisco Bay.



H. T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS

Calaveras Country Estates: Site / Vicinity Map

File No. 2619-01	Date 12/8/05	Figure 1

BIOTIC SURVEYS

Reconnaissance-level field surveys of the project site were conducted by H. T. Harvey & Associates on November 22 and 24, 2005. The purpose of these surveys was to describe existing conditions and provide a project-specific impact assessment for the project site. Specifically, surveys were conducted to: 1) assess existing biotic habitats, 2) assess the site for its potential to support special-status species and their habitats, and 3) identify potential jurisdictional habitats including Waters of the U.S., riparian habitat, and ordinance trees. Survey personnel included plant ecologist Lisa Infante, M.S., wildlife ecologist Laird Henkel, M.S., and senior wildlife ecologist Steve Rottenborn, Ph.D. The entire project area was surveyed on foot.

For the sake of this assessment, it was assumed is that the Arroyo de Los Coches channel is outside of the project area and will not be impacted by project implementation. A Santa Clara Valley Water District easement is located along this channel (extending slightly onto the site), and a continuous, tall wood fence separates the project site from the creek.

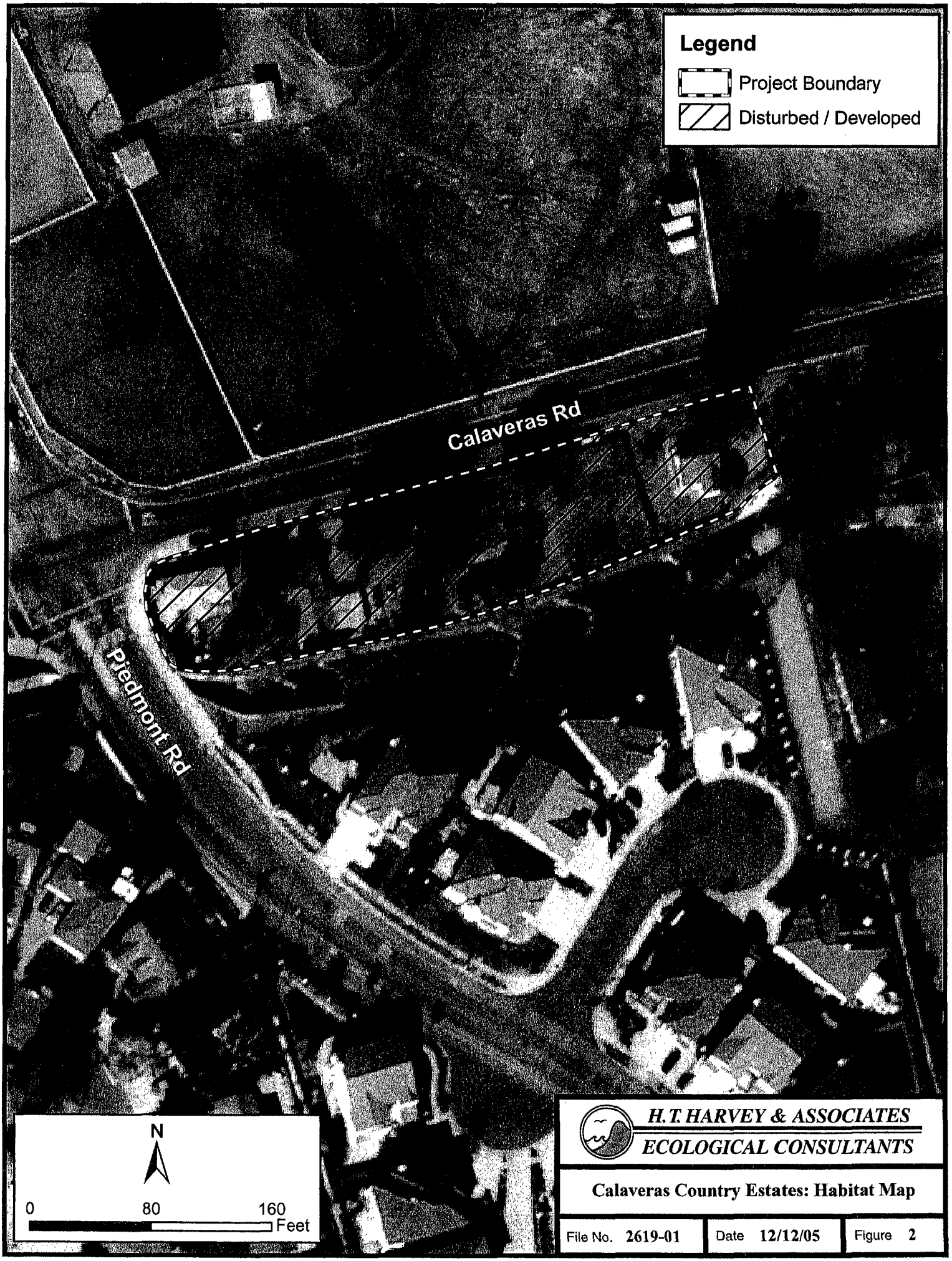
BIOTIC HABITATS AND EXISTING FACILITIES

The entire parcel is developed or disturbed (Figure 2). The site contains three single-family homes and associated hardscaping, ornamental trees and shrubs, and ruderal (disturbance-loving) vegetation.

Disturbed/Developed

Vegetation. Undeveloped portions of the project site are colonized by a weedy association of robust exotic herbs, including wild lettuce (*Lactuca serriola*), black mustard (*Brassica nigra*), fennel (*Foeniculum vulgare*), and yellow star-thistle (*Centaurea solstitialis*). Native willow herb (*Epilobium brachycarpum*) is also common on the property. The dominant vegetation on the property consists of non-native trees, including a large blue gum (*Eucalyptus globosus*) in the northeastern corner of the site and several mature olives (*Olea europea*) in the western portion. Peruvian peppertree (*Schinus molle*), California fan palm (*Washingtonia filifera*), and a variety of ornamental shrubs also occur on the property. Finally, one large red willow (*Salix laevigata*), is located in the south-central portion of the property.

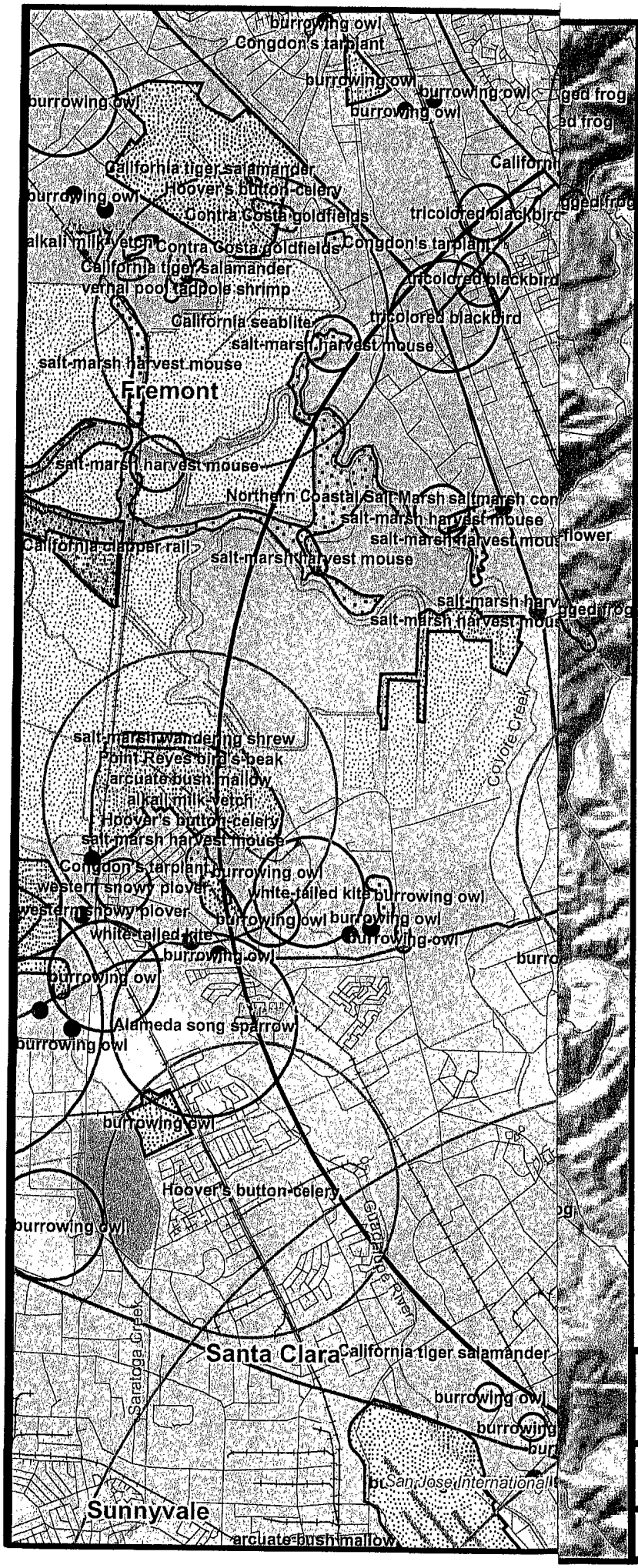
Wildlife. Developed/disturbed habitats, such as those observed on the project site, can support certain wildlife species adapted to the unique nesting and foraging opportunities found there, but wildlife abundance and diversity is generally low in these habitats. Striped skunks (*Mephitis mephitis*), raccoons (*Procyon lotor*), Virginia opossums (*Didelphis virginiana*), and western fence lizards (*Sceloporus occidentalis*) occur regularly in urban habitats, and are likely to occur on the project site. Birds adapted to the urban landscape include House Finches (*Carpodacus mexicanus*), Northern Mockingbirds (*Mimus polyglottos*), Mourning Doves (*Zenaida macroura*), Black Phoebes (*Sayornis nigricans*), and non-native European Starlings (*Sturna vulgaris*), House Sparrows (*Passer domesticus*), and Rock Pigeons (*Columba livia*). Ornamental and ruderal vegetation, and even buildings, may provide nesting and foraging habitat for these species on the project site. In addition, the large eucalyptus tree in the northeast corner of the site is likely used



H.T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS

Calaveras Country Estates: Habitat Map

File No. 2619-01	Date 12/12/05	Figure 2



CNDDB Legend

- Specific Location
- Approximate Location
- General Area
- Project Location

N

0 1 2 Miles

H.T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS

Calaveras Country Estates: CNDDB Map

File No. 2619-01	Date 12/12/05	Figure 3

Special-status Wildlife Species

Reconnaissance-level field surveys were conducted throughout the entire site on November 22, 2005 for habitats with the potential to support special-status animals. Special-status animal species that occur in the vicinity in habitats similar to those found on the project site are described below. The legal status and likelihood of occurrence of these species on-site are given in Table 1, and known CNDDB occurrences are shown in Figure 3. Expanded descriptions are included only for those species for which potentially suitable habitat occurs on or in the general vicinity of the project site, or species for which resource agencies have expressed particular concern and for which more expanded discussion is required.

The project site itself lacks suitable habitat the federally-listed California red-legged frog (*Rana aurora draytonii*). However, red-legged frogs could occur in the adjacent reach of the Arroyo de Los Coches, and this species is discussed in greater detail below. In addition, no breeding habitat (ponds or temporary pools in grasslands) or aestivation habitat (grasslands with small mammal burrows) for another federally-listed species, the California tiger salamander (*Ambystoma californiense*) is present on or near the project site. The project site also lacks suitable habitat for the Burrowing Owl (*Athene cunicularia*), a special-status species that occurs in grassland habitats in the project vicinity. This species nests almost exclusively in ground squirrel (*Spermophilus beecheyi*) burrows in grassland or similar open habitats, which are absent from the project site due to the extensively developed nature of the site. The Berkeley kangaroo rat (*Dipodomys heermannii berkeleyensis*), shown on Figure 3 as having occurred near Calaveras Reservoir, occurs only in chaparral habitats, and may currently be extinct. No habitat is present on the project site for this species, and it is presumed absent.

Some other special-status species may occur on the project area only as uncommon to rare visitors, migrants, or transients, or may forage on the site while breeding in adjacent areas. However, these species are not expected to breed on the site, or to be affected by the site development. These species include the American Peregrine Falcon (*Falco peregrinus anatum*), Merlin (*Falco columbarius*), Cooper's Hawk (*Accipiter cooperi*), and Sharp-shinned Hawk (*Accipiter striatus*).

The only special-status animal species with the potential to breed on the project site, or be impacted by project implementation, are the White-tailed Kite (*Elanus leucurus*) and pallid bat (*Antrozous pallidus*). These species, and the California red-legged frog, are discussed below.

California Red-legged Frog (*Rana aurora draytonii*). Federal Listing Status: Threatened; State Listing Status: None. The California red-legged frog is California's largest native frog. The species is generally restricted to riparian and lacustrine habitats in California and northern Baja California. Red-legged frogs prefer deep, quiet pools (usually more than 2 feet deep) in creeks, rivers, or lakes below 5000 feet in elevation (Jennings and Hayes 1994). Breeding habitat requirements include fresh water emergent or dense riparian vegetation, especially willows adjacent to shorelines. Red-legged frogs can survive in seasonal bodies of water that are dry for short periods if a permanent water body or dense vegetation stands are nearby.

SPECIAL STATUS SPECIES CODE DESIGNATIONS

FE =	Federally listed Endangered
FT =	Federally listed Threatened
SE =	State listed Endangered
CSSC =	California Species of Special Concern
SP =	State Protected Species

Pallid Bat (*Antrozous pallidus*). Federal Listing Status: None; State Listing Status: Species of Special Concern. Pallid bats are pale to light brown in color, and, at about 24 grams, the Pacific race is one of the state's largest bats. Coastal colonies commonly roost in deep crevices in rocky outcroppings, in buildings, under bridges, and in hollow trees. Colonies can range from a few individuals to over a hundred and are non-migratory. Some female/young colonies (typical of the coastal subspecies) use their day roost for their nursery as well as hibernacula. Pallid bats can breed from March 15 through August 15. Although crevices are important for day roosts, night roosts often include porches, garages, barns, and highway bridges. Pallid bats may travel up to several miles for water or foraging sites if roosting sites are limited. Pallid bats prefer foraging on terrestrial arthropods in dry open grasslands near water and rocky outcroppings or old structures. The buildings on the project site provide potential roost sites for pallid bats, while the extensive grassland immediately adjacent to the site provides potential foraging habitat. Thus, this species could potentially be present on the site.

REGULATED HABITATS

United States Army Corps of Engineers Jurisdiction

U.S. Army Corps of Engineers (USACE) jurisdiction generally extends to lakes, streams, tidal marshes, vernal pools, wetlands, and drainages, which are often referred to as 'Waters of the U.S.' (Appendix A). USACE jurisdiction also extends to navigable waterways and historic waters regulated under Section 10 of the Rivers and Harbors Act (1899) (Appendix A).

No potential USACE jurisdictional areas occur on the project site. The Arroyo de Los Coches, a stream adjacent to the site, is potential jurisdictional Waters of the U.S. However, this stream is not part of the project site, and no impacts to this stream are anticipated as part of this project.

California Department of Fish and Game Jurisdiction

California Department of Fish and Game jurisdiction typically includes the bed and banks of stream, creek and river channels (Appendix A). The CDFG can also choose to exert jurisdiction in excavated ditches when they provide habitat for riparian-dependent terrestrial wildlife.

The bed, banks, and riparian vegetation of the Arroyo de Los Coches are potentially under the jurisdiction of the CDFG. As discussed above, one red willow tree, a typical riparian species, occurs on the property. No other riparian trees occur along this reach of the creek. Thus, the willow is not associated with an intact riparian corridor but rather is likely an isolated remnant of habitat that once occurred along the creek. Because it is growing beyond the top-of-bank and is not part of a contiguous riparian canopy, this tree is not considered riparian habitat for the sake of this assessment, and it is unlikely that CDFG jurisdiction would extend to this willow (however, see the section on the City of Milpitas Tree Ordinance, below).

IMPACTS AND MITIGATION

The following impact analysis is based on a site plan dated November 18, 2005, and provided to H. T. Harvey & Associates by Green Earth Construction & Engineering, Inc.

SIGNIFICANCE CRITERIA

The proposed project may have effects on the biological resources of the project site. The California Environmental Quality Act (CEQA) and the CEQA Guidelines provide guidance in evaluating project impacts and determining which impacts will be significant. CEQA defines "significant effect on the environment" as "a substantial adverse change in the physical conditions which exist in the area affected by the proposed project." Under CEQA Guidelines section 15065 and Appendix G, a project's effects on biotic resources may be significant when the project would:

- "have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory"
- "have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service"
- "have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service"
- "have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act"
- "interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites"
- "conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance"
- "conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan"

Mitigation 2. Exclude Bats Prior to Demolition of Roosts. If an active nursery roost is found, demolition of the buildings should commence before maternity colonies form (*i.e.*, prior to March 1) or after young are volant (flying) (*i.e.*, after July 31). If a non-breeding bat hibernaculum is found, the individuals should be safely evicted, under the direction of a qualified bat biologist (as determined by a Memorandum of Understanding with CDFG), by opening the roosting area to allow air flow. Demolition should then follow no sooner than the following day (*i.e.*, there should be no less than one night between initial disturbance for air flow and the demolition). This action should allow bats to leave during dark hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.

COMPLIANCE WITH ADDITIONAL LAWS AND REGULATIONS APPLICABLE TO BIOTIC RESOURCES OF THE PROJECT SITE

TREE AND PLANTING ORDINANCE OF THE CITY OF MILPITAS

The City of Milpitas recognizes substantial economic, environmental and aesthetic importance of the trees and plantings within the community. It shall be the City's policy to utilize applicable techniques, methods and procedures required to preserve, when feasible, all trees and plantings on City property, and all protected plantings of significant size, age, and/or benefit to the community at large. Trees protected under Section X-2-7.01 of Ordinance 201.1 of the City Code include the following:

(a) All trees which have a fifty-six inch (56") or greater circumference of any trunk and are located on developed residential property.
(b) All trees which have a thirty-seven inch (37") or greater circumference of any trunk and are located on developed commercial or industrial property.
(c) All trees which have a thirty-seven inch (37") or greater circumference of any trunk, when removal relates to any transaction for which zoning approval or subdivision approval is required.
(d) Any tree that existed at the time of a zoning or subdivision approval and was a specific subject of such approval or otherwise covered by subsection (b) above.
(e) All trees which have a thirty-seven inch (37") or greater circumference of any trunk and are located on a vacant lot, undeveloped or underdeveloped property.
(f) All heritage trees and specimen plantings as defined in Section X-2-2.10.

Under these definitions, several trees on the project site, including the blue gum, olive, and possibly the red willow, are ordinance trees. Removal of these trees would require a permit from the City of Milpitas.

REGULATORY OVERVIEW FOR BIRDS

The Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA; 16 U.S.C., §703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment, a violation of the MBTA.

California State Fish & Game Code

Migratory birds are also protected in and by the state of California. The State Fish and Game Code §3503 (and other sections and subsections) emulates the MBTA and protects birds' nests

LITERATURE CITED

Bulger, J. B., N. Scott, Jr., and R. B. Seymour. 2003. Terrestrial activity and conservation of adult California red-legged frogs *Rana aurora draytonii* in coastal forests and grasslands. Biological Conservation 110:85-95.

[CDFG] California Department of Fish & Game. 1994. A Field Guide to Lake and Streambed Alteration Agreements, Sections 1600-1607. Environmental Services Division.

[CNPS] California Native Plant Society. 2001. Inventory of Rare and Endangered Plants of California (6th edition). Rare Plant Scientific Advisory Committee, David P. Tibor, Convening Editor. California Native Plant Society. Sacramento, California.

[CNDDB] California Natural Diversity Data Base. 2005. Rarefind. California Department of Fish and Game.

Cowardin, L. M., V. Carter, F. C. Golet, and E. T. LaRoe. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of Interior, U.S. Fish and Wildlife Service.

Environmental Laboratory. 1987. U.S. Army Corps of Engineers Wetlands Delineation Manual. Department of the Army.

Hickman, J. C. 1993. The Jepson Manual: Higher Plants of California. University of California Press.

Jennings, M. R., and M. P. Hayes. 1994. Amphibian and reptile species of special concern in California. California Department of Fish and Game, Inland Fisheries Division, Rancho Cordova, California. iii+255 p.

Soil Conservation Service. 1968. Soil Survey of Santa Clara County. U.S. Department of Agriculture.

[USFWS] U.S. Fish and Wildlife Service. 2005. Endangered and Threatened wildlife and plants; Revised Proposed Designation of Critical Habitat for the California red-legged frog (*Rana aurora draytonii*); Proposed Rule. Federal Register 70(212): 66906-66942.

[USFWS] U.S. Fish and Wildlife Service. 1987. National Wetland Inventory, Diablo Quad. Available at: http://www.nwi.fws.gov. Database accessed 28 January 2005.

APPENDIX A.
REGULATIONS

Special-status Species Regulations Overview

Federal and state endangered species legislation gives several plant and animal species known to occur in the vicinity of the project site special status. In addition, state resource agencies and professional organizations, whose lists are recognized by agencies when reviewing environmental documents, have identified as sensitive some species occurring in the vicinity of the project site. Such species are referred to collectively as "species of special status" and include: plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered under the Federal Endangered Species Act (FESA) or the California Endangered Species Act (CESA), animals listed as "fully protected" under the California Fish and Game Code, animals designated as "Species of Special Concern" by the CDFG, and plants listed as rare or endangered by the CNPS in the *Inventory of Rare and Endangered Plants of California* (2001).

Federal Endangered Species Act provisions protect federally listed threatened and endangered species and their habitats from unlawful take. "Take" under FESA includes activities such as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the specifically enumerated conduct." The U.S. Fish & Wildlife Service's (USFWS) regulations define harm to mean "an act which actually kills or injures wildlife." Such an act "may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering" (50 CFR § 17.3). Activities that may result in "take" of individuals are regulated by the USFWS. The USFWS produced an updated list of candidate species September 19, 1997 (USFWS 1997; 50 CFR Part 17). Candidate species are not afforded any legal protection under FESA; however, candidate species typically receive special attention from federal and state agencies during the environmental review process.

Provisions of CESA protect state-listed threatened and endangered species. CDFG regulates activities that may result in "take" of individuals (*i.e.*, "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill"). Habitat degradation or modification is not expressly included in the definition of "take" under the California Fish and Game Code. The CDFG, however, has interpreted "take" to include the "killing of a member of a species which is the proximate result of habitat modification . . . " Additionally, the California Fish and Game Code contains lists of vertebrate species designated as "fully protected" (California Fish & Game Code §§ 3511 [birds], 4700 [mammals], 5050 [reptiles and amphibians], 5515 [fish]). Such species may not be taken or possessed without a permit.

The CDFG has also produced three lists (amphibians and reptiles, birds, and mammals) of "species of special concern" that serve as "watch lists." Species on these lists either are of limited distribution or the extent of their habitats has been reduced substantially, such that threat to their populations may be imminent. Thus, their populations should be monitored. They may receive special attention during environmental review.

Plants listed as rare or endangered by the CNPS (2001), but which have no designated status under state endangered species legislation, are defined as follows:

APPENDIX B.
PLANT SPECIES CONSIDERED BUT REJECTED FOR OCCURRENCE

Scientific Name	Common Name	Lack of Strongly Alkaline Soils	Lack of Vernal Pool or Mesic Habitat	Lack of Serpentine Soils	Other Edaphic Factors Absent from the Site	Associated Species Absent from the Site
Allium peninsulare var. *franciscanum*	Franciscan onion			X	X	
Amsinckia lunaris	bent-flowered fiddleneck					X
Androsace elongata ssp. *acuta*	California androsace				X	X
Balsamorhiza macrolepis var. *macrolepis*	big-scale balsamroot				X	
Calochortus umbellatus	Oakland star-tulip			X		
Castilleja affinis ssp. *neglecta*	Tiburon Indian paintbrush			X		
Ceanothus ferrisae	Coyote ceanothus			X		
Centromadia parryi ssp. *congdonii*	Congdon's tarplant	X				
Cirsium fontinale var. *campylon*	Mt. Hamilton thistle			X		
Dudleya setchellii	Santa Clara Valley dudleya			X		
Eriogonum luteolum var. *caninum*	Tiburon buckwheat			X		
Erysimum franciscanum	San Francisco wallflower			X		
Fritillaria agrestis	stinkbells				X	
Fritillaria liliacea	fragrant fritillary			X		
Leptosiphon ambiguous	serpentine linanthus			X		
Leptosiphon grandiflorus	large-flowered linanthus					X
Lessingia hololeuca	woolly-headed lessingia			X		
Micropus amphibolus	Mt. Diablo cottonweed				X	X
Monardella villosa ssp. *globosa*	robust monardella					X
Navarretia cotulifolia	cotula navarretia	X				X
Perideridia gairdneri ssp. *gairdneri*	Gairdner's yampah		X		X	
Plagiobothrys uncinatus	hooked popcorn-flower		X		X	
Ranunculus lobbii	Lobb's aquatic buttercup		X		X	
Sanicula saxatilis	rock sanicle				X	
Streptanthus albidus ssp. *albidus*	Metcalf Canyon jewel-flower			X		
Streptanthus albidus ssp. *peramoenus*	most beautiful jewel-flower			X		
Trifolium depauperatum var. *hydrophilum*	saline clover	X				X

Mitigation Measure III.d-4
Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.

Mitigation Measure III.d-5
Sweep streets daily with water sweeper if visible soil material is carried onto adjacent public streets.

Mitigation Measure III.d-6
Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).

Mitigation Measure III.d-7
Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

Mitigation Measure III.d-8
Plant vegetation in disturbed areas as quickly as possible.

Mitigation Measure III.d-9
Suspend excavation and grading (all earthmoving or other dust-producing activities during periods of high winds when watering cannot eliminate visible dust plumes or when winds exceed 25 mph (instantaneous gusts).

Mitigation Measure III.d-10
Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.

Mitigation Measure III.d-11
Limit the area subject to excavation, grading and other construction activity at any one time.

Mitigation Measure IV.a-d.1
Pre-construction surveys and Buffer Zones. A pre-construction survey for roosting bats should be conducted prior to demolition of the buildings. The survey should be conducted by a qualified bat biologist (i.e., a biologist holding a CDFG collection permit and a Memorandum of Understanding with DCFG allowing the biologist to handle and collect bats). No activities that would result in disturbance to active roosts would proceed prior to the completed surveys. If no active roosts are found, then no further action would be warranted. If either a maternity roost or hibernaculum is present, the following mitigation measure should be implemented. CDFG should also be notified of any active nurseries within the construction zone.

Mitigation Measure IV.a-d.2
Exclude Bats Prior to Demolition of Roosts. If an active nursery roost is found, demolition of the buildings should commence before maternity colonies form (i.e., prior

to March 1) or after young are volant (flying) (i.e., after July 31). If a non-breeding bat hibernaculum is found, the individuals should e safely evicted, under the direction of a qualified bat biologist (as determined by a Memorandum of understanding with CDFG), by opening the roosting area to allow air flow. Demolition should then follow no sooner than the following day (i.e., there should be no less than on e night between initial disturbance for air flow and the demolition). This action should allow bats to leave during dark hours, thus increasing the chance of finding new roosts with a minimum of potential predation during daylight.

Mitigation Measure IV.a-d.3
Prior to any tree removal, the applicant shall submit to the City a landscape plan showing all existing trees on site, with species, common name, circumference, trees proposed for removal, and replacement at a 2:1 ratio of 36" box trees to Planning Staff approval.

Mitigation Measure V.b-d.1
Prior to issuance of grading permits, the project archeologist shall conduct a detailed evaluation of subsurface construction plans when these plans become available to determine the areas that will be impacted by grading and trenching.

Mitigation Measure V.b-d.2
The project archeologist shall hand excavate a salvage sample of 5% deposit that is to be impacted by grading and trenching and analyzed with the results to be presented in a final written report to the City. This excavation will be implemented to gather data from the parts of the site which are proposed for disturbance and will occur prior to the issuance of any building or grading permits.

Mitigation Measure V.b-d.3
All earth moving activities of native soils shall be monitored by a qualified archaeologist.

Mitigation Measure V.b-d.4
In the event during monitoring, significant prehistoric traces (human remains, artifacts, concentrations of shell/bone/rock/ash) are encountered, all construction within a fifty meter radius of the find should be stopped and the applicant will notify the Planning Division immediately. The project archaeologist shall examine the find and make appropriate recommendation s based on State and local regulations and City Council Resolution No. 7287. The applicant will abide by the archeologist's recommendations.

Mitigation Measure V.b-d.5
The project archaeologist will produce a report that thoroughly discusses the site with archival documentation, description and analysis of archaeological finding s to preserve significant information relating to the site. The report shall include a signed statement from the project archaeologist that all mitigation measures have been complied with. The report will be submitted to City Planning Staff and the Northwest Information Center of the California State Inventory.

Mitigation Measure VII-b-1

Prior to demolition permit issuance or any pre-demolition activities, a Phase I Environmental Assessment detailing the project site history and potential for soil/groundwater hazardous materials contamination shall be submitted to the Planning Division for review.

Mitigation Measure XI-a-1
Project grading and construction activities shall not occur outside the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends, and shall not occur on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, as per the City of Milpitas Noise Ordinance.

Copies of the Environmental Information Form and Initial Study/Mitigated Negative Declaration may be obtained at the Milpitas Planning Department, 455 E. Calaveras Boulevard, Milpitas, CA 95035.

By: Kim Duncan
Project Planner

Forward to the County Clerk on this 2nd day of February, 2006

By Kim Duncan

MITIGATION MONITORING PROGRAM

CALAVERAS COUNTRY ESTATES AT 2016 CALAVERAS ROAD
ENVIRONMENTAL IMPACT ASSESSMENT NO. EA2005-8
(MAJOR TENTATIVE MAP NO. MA2004-3, ZONE CHANGE NO. ZC2004-1, 'S' ZONE AMENDMENT NO. SA2005-16)

Mitigation Measure	Implementation, Responsibility & timing	Monitoring Responsibility	Shown on Plans	Verified Implement.	Remarks
Mitigation Measure III.d-1 *Watering all active construction areas twice daily and more often during windy periods. Active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.*	*Responsibility:* Applicant *Timing:* During all construction activities	*Responsibility:* Fire and Building Divisions	_____ initials _____ date	_____ initials _____ date	
Mitigation Measure III.d-2 *Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least a 2-feet freeboard level within their truck beds.*	*Responsibility:* Applicant *Timing:* During all construction activities	*Responsibility:* Fire and Building Divisions	_____ initials _____ date	_____ initials _____ date	
Mitigation Measure III.d-3 *Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.*	*Responsibility:* Applicant *Timing:* During all construction activities	*Responsibility:* Fire and Building Divisions	_____ initials _____ date	_____ initials _____ date	
Mitigation Measure III.d-4 *Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.*	*Responsibility:* Applicant *Timing:* During all construction activities	*Responsibility:* Fire and Building Divisions	_____ initials _____ date	_____ initials _____ date	

Mitigation Measure III.d-5 *Sweep streets daily with water sweeper if visible soil material is carried onto adjacent public streets.*	*Responsibility:* Applicant *Timing:* During all construction activities	*Responsibility:* Fire and Building Divisions	initials date	initials date	
Mitigation Measure III.d-6 *Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).*	*Responsibility:* Applicant *Timing:* During all construction activities	*Responsibility:* Fire and Building Divisions			
Mitigation Measure III.d-7 *Install sandbags or other erosion control measures to prevent silt runoff to public roadways.*	*Responsibility:* Applicant *Timing:* During all construction activities	*Responsibility:* Fire and Building Divisions	initials date	initials date	
Mitigation Measure III.d-8 *Plant vegetation in disturbed areas as quickly as possible.*	*Responsibility:* Applicant *Timing:* During all construction activities	*Responsibility:* Building Divisions	initials date	initials date	
Mitigation Measure III.d-9 *Suspend excavation and grading (all earthmoving or other dust-producing activities during periods of high winds when watering cannot eliminate visible dust plumes or when winds exceed 25 mph (instantaneous gusts).*	*Responsibility:* Applicant *Timing:* During all construction activities	*Responsibility:* Building Divisions	initials date	initials date	
Mitigation Measure III.d-10 *Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.*	*Responsibility:* Applicant *Timing:* During all construction activities	*Responsibility:* Building Division	initials date	initials date	
Mitigation Measure III.d-11 *Limit the area subject to excavation, grading and other construction activity at any one time.*	*Responsibility:* Applicant *Timing:* During all construction activities	*Responsibility:* Building Division	initials date	initials date	

Mitigation Measure IV.a-d.1 *Pre-construction surveys and Buffer Zones. A pre-construction survey for roosting bats should be conducted prior to demolition of the buildings. The survey should be conducted by a qualified bat biologist (i.e., a biologist holding a CDFG collection permit and a Memorandum of Understanding with DCFG allowing the biologist to handle and collect bats). No activities that would result in disturbance to active roosts would proceed prior to the completed surveys. If no active roosts are found, then no further action would be warranted. If either a maternity roost or hibernaculum is present, the following mitigation measure should be implemented. CDFG should also be notified of any active nurseries within the construction zone.*	*Responsibility:* Applicant *Timing:* Prior to demolition of buildings	*Responsibility:* Building and Planning Divisions	initials date	initials date	
Mitigation Measure IV.a-d.2 *Exclude Bats Prior to Demolition of Roosts. If an active nursery roost is found, demolition of the buildings should commence before maternity colonies form (i.e., prior to March 1) or after young are volant (flying) (i.e., after July 31). If a non-breeding bat hibernaculum is found, the individuals should e safely evicted, under the direction of a qualified bat biologist (as determined by a Memorandum of understanding with CDFG), by opening the roosting area to allow air flow. Demolition should then follow no sooner than the following day (i.e., there should be no less than on e night between initial disturbance for air flow and the demolition). This action should allow bats to leave during dark hours, thus increasing the chance of finding new roosts with a minimum of potential predation during daylight.*	*Responsibility:* Applicant *Timing:* Prior to demolition of buildings	*Responsibility:* Building and Planning Divisions	initials date	initials date	

Mitigation Measure IV.a-d.3 ***Prior to any tree removal, the applicant shall submit to the City a landscape plan showing all existing trees on site, with species, common name, circumference, trees proposed for removal, and replacement at a 2:1 ratio of 36" box trees to Planning Staff approval.***	*Responsibility:* Applicant *Timing:* Prior to issuance of grading permits or tree removal	*Responsibility:* Building and Planning Divisions	initials date	initials date	
Mitigation Measure V.b-d.1 *Prior to issuance of grading permits, the project archeologist shall conduct a detailed evaluation of subsurface construction plans when these plans become available to determine the areas that will be impacted by grading and trenching.*	*Responsibility:* Applicant *Timing:* Prior to issuance of grading permits	*Responsibility:* Building Division	initials date	initials date	
Mitigation Measure V.b-d.2 *The project archeologist shall hand excavate a salvage sample of 5% deposit that is to be impacted by grading and trenching and analyzed with the results to be presented in a final written report to the City. This excavation will be implemented to gather data from the parts of the site which are proposed for disturbance and will occur prior to the issuance of any building or grading permits.*	*Responsibility:* Applicant *Timing:* Prior to issuance an grading or building permits	*Responsibility:* Building Division	initials date	initials date	
Mitigation Measure V.b-d.3 *All earth moving activities of native soils shall be monitored by a qualified archaeologist.*	*Responsibility:* Applicant *Timing:* During all construction activities	*Responsibility:* Building Division	initials date	initials date	
Mitigation Measure V.b-d.4 *In the event during monitoring, significant prehistoric traces (human remains, artifacts, concentrations of shell/bone/rock/ash) are encountered, all construction*	*Responsibility:* Applicant *Timing:* During all construction activities	*Responsibility:* Building and Planning Divisions	initials date	initials date	

within a fifty meter radius of the find should be stopped and the applicant will notify the Planning Division immediately. The project archaeologist shall examine the find and make appropriate recommendation s based on State and local regulations and City Council Resolution No. 7287. The applicant will abide by the archeologist's recommendations.					
Mitigation Measure V.b-d.5 *The project archaeologist will produce a report that thoroughly discusses the site with archival documentation, description and analysis of archaeological finding s to preserve significant information relating to the site. The report shall include a signed statement from the project archaeologist that all mitigation measures have been complied with. The report will be submitted to City Planning Staff and the Northwest Information Center of the California State Inventory.*	*Responsibility:* Applicant *Timing:* Prior to building permit final	*Responsibility:* Planning Division	initials date	initials date	
Mitigation Measure VII-b-1 *Prior to demolition permit issuance or any pre-demolition activities, a Phase I Environmental Assessment detailing the project site history and potential for soil/groundwater hazardous materials contamination shall be submitted to the Planning Division for review.*	*Responsibility:* Applicant *Timing:* Prior to demolition permit issuance	*Responsibility:* Building and Planning Divisions	initials date	initials date	
Mitigation Measure XI-a-1 *Project grading and construction activities shall not occur outside the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends, and shall not occur on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, as per the City of Milpitas Noise Ordinance.*	*Responsibility:* Applicant *Timing:* During all construction activities	*Responsibility:* Building and Fire Division	initials date	initials date	

JOHN COYLE &
ASSOCIATES, INC.
Engineering Geologists

April 26, 2005
Project No. P013-05

TO: Green Earth Engineering & Construction Co., Inc.
968 Hanson Court
Milpitas, California 95035

Attn: Ms. Sylvia L. Leung

SUBJECT: SEISMIC HAZARDS EVALUATION LETTER REPORT
Existing Residential Parcel APN 088-16-041
Calaveras Road and Piedmont Road
Milpitas, California

Dear Ms. Leung:

We have completed a seismic hazards analysis of the property referenced above. The property in question is located on the south side of Piedmont Road one lot from the southeast corner of Piedmont and Calaveras Roads. The site is located on the valley floor near the base of the San Jose-Milipitas foothills. It is characterized by a gentle inclination to the west and, currently, several residential structures are located on the property. The channel of Arroyo de Los Coches borders the southern margin of the parcel.

Over time a thick accumulation of alluvial sediments has been deposited by Arroyo de Los Coches at the base of the hills where the property is located. These sediments are characterized as older alluvial fan deposits composed mainly of coarse sand and gravel (Helley and Brabb, 1971). It is likely that finer-grained sand, along with silt, and clay are also interbedded within the coarse sediments. Soil borings done by Wayne Ting & Associates, Inc. for a report being prepared concurrently with our report revealed the presence of interbedded clays, sands, and gravely clays beneath the property.

Though the property is within an Alquist-Priolo Special Studies Zone (A-P zone) as shown on maps published by Davis (1982), no active faults are known to cross beneath the parcel in question. The Hayward fault is shown by Dibble (1973) to be about 1,200 to 1,500 feet to the northeast of the property, the Crosley fault, at the base of the hills, about 150 to 200 feet northeast of the property (Dibble (1973). Later work by Graymer and others (1995) shows the Hayward fault terminating along the range front about 3-1/2 to 4 miles to the northwest of the property. The fault trace mapped about 1,500 feet to the northeast of the property and designated the Hayward fault by Dibble (1973), is now known as the Warm Springs fault (Graymer and others, 1995). Our review of aerial

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photographs did not reveal topographic or geomorphic features (i.e., scarps, vegetative or tonal lineaments) that would suggest the presence of an active fault crossing the property.

To the south and southeast of the subject property, across Arroyo de Los Coches, modest size subdivisions have been constructed within the last approximately 10 years or so. These subdivisions have been the subject of geologic studies by Geoconsultants and Terrasearch.

Seismic hazards that could impact the property include ground-surface rupture, seismically-induced ground shaking, and liquefaction. The County Seismic Hazards maps prepared by Santa Clara County Santa Clara County Planning Department (2002) show the property is not located in a seismically-induced liquefaction hazards zone. In the event of a large earthquake the property could be subjected to very violent ground shaking (Borcherdt and others, 1975). Such ground shaking is approximately equal to Modified Mercalli Intensities of X or greater. Please see attached Table 1 for comparative descriptions of the various intensity levels. Any residential structures planned for the property should take the potential for very violent ground shaking into account. At a minimum the appropriate sections of the 1997 (or update, as appropriate) Uniform Building Code should be utilitized during design of proposed residential structures.

As noted above the subject property is located within an A-P zone and, over the years, properties adjacent to the south and southeast of the subject property have been the subject of fault studies by Terrasearch and Geoconsultants. Of particular interest is the Geoconsultants report prepared in 1989. This report and associated trenches were peer reviewed by the then City Geologist for Milpitas. As part of Goeconsultants study the potential for a fault to be present in the subsurface was investigated. Subsurface conditions at the property were investigated using a variety of methods that included 15 borings and comparison of the stratigraphy encountered in each hole with the adjacent holes. The study also included five trenches up to 170 feet long and six seismic-refraction and magnetometer survey lines up to 300 or more feet long. These various subsurface investigations were undertaken in order to assess the potential for an active fault to traverse the properties that were the subject of these studies. No evidence for active faulting was found and Geoconsultants conclusion was that these properties, which are immediately to the south and southeast of the subject property, are not affected by the potential for ground-surface rupture.

The studies on the properties to the south and southeast of the subject property "shadow" the subject property. Based on the lack of evidence for faulting on the adjacent properties to the south and southeast, it is our opinion that the potential for a fault to traverse the subject property is very low and, hence, the risk of ground-surface rupture at the subject property is also very low.

In conclusion, the use of the subject property does not appear to be constrained by seismic hazards related to ground-surface rupture and liquefaction. In the

event of a large earthquake the property could be subjected to very violent ground shaking. The potential for such violent ground shaking must be taken into account during design of the proposed residential structures.

INVESTIGATION LIMITATIONS

Our services consist of professional opinions and recommendations made in accordance with generally accepted engineering geology principles and practices. No warranty, express or implied, or merchantability or fitness, is made or intended in connection with our work, by the proposal for consulting or other services, or by the furnishing of oral or written reports or findings.

The analysis and recommendations submitted in this letter report are based on published and unpublished information and our site reconnaissance. It should be understood that with time, geologic conditions can change or interpretations could change as new information becomes available.

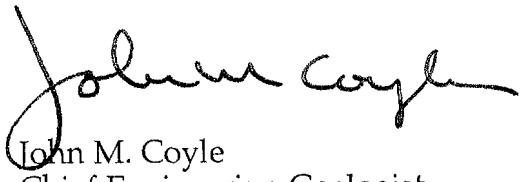
This letter report is issued with the understanding that it is the responsibility of the owner or their representative to insure that the information and recommendations contained herein are called to the attention of those responsible for implementation of the recommendations presented in this letter report.

This SEISMIC HAZARDS EVALUATION LETTER REPORT has been prepared to provide an assessment of the seismic hazards for the property referenced above. In the event that any new information pertaining to changes in development plans is formulated, our conclusions and recommendations shall not be considered valid unless the changes are reviewed and the conclusions in this letter report modified or verified in writing by a representative of JOHN COYLE & ASSOCIATES, INC.

If you have any questions, please call.

Respectfully submitted,

JOHN COYLE & ASSOCIATES, INC.



John M. Coyle
Chief Engineering Geologist
CEG 1263

Attachments:

Table 1 Modified Mercalli Intensity Scale

REFERENCES

Borcherdt, R. D., Gibbs, J. F., and La joie, K. R., 1975, Maps showing maximum earthquake intensity predicted in the southern San Francisco Bay Region, California, for large earthquakes on the San Andreas and Hayward faults: U. S. Geological Survey Miscellaneous Field Studies Map MF – 709, scale 1:125,000.

Davis, J. L., 1982, State of California Special Studies Zone map, Calaveras Reservoir Quadrangle, scale 1:24,000.

Dibblee, T. W., Jr., 1973, Preliminary geologic map of the Calaveras Reservoir Quadrangle, Alameda and Santa Clara Counties, California: U. S. Geological Survey Open File Map 73-58, scale 1:24,000.

Geoconsultants, Inc., 1989, Geologic hazards study, Proposed residences adjacent to church development site south of Piedmont and Calaveras Roads, Milpitas, California: Unpublished report dated December 16, 1989.

Graymer, R. W., Jones, D. L., and Brabb, E. E., 1995, Geologic map of the Hayward fault zone, Contra Costa, Alameda, and Santa Clara Counties, California: A digital database: U. S. Geological Survey Open – File Report 95-597, scales 1:50,000 and 1:100,000.

Helley, E. J., and Brabb, E. E., 1971, Geologic map of late Cenozoic deposits, Santa Clara County, California: U. S. Geological Survey Basic Data Contribution 27, scale 1:62,500.

Santa Clara County Planning Department, 2002, County of Santa Clara Geologic hazard zones: Unpublished maps, scale 1:36,000.

AERIAL PHOTOGRAPHY REVIEWED

7/26/39	BUT 281 – 18,19	1:20,000	B/W
5/17/65	SCL 12 – 192, 193	1:12,000	B/W
5/18/68	GS-VBZK 2 - 6, 7	1:30,000	B/W
2/22/81	GS-VEZR 3 - 30, 31	1:24,000	B/W

MODIFIED MERCALLI INTENSITY SCALE

1956 Version of 1931 Scale

Masonry A, B, C, and D. To Avoid ambiguity of language, the quality of masonry, brick, or otherwise, is specified by the following lettering.

Masonry A: Good workmanship, mortar, and design; reinforced, especially laterally, and bound together by using steel, concrete, etc.; designed to resist lateral forces.

Masonry B: Good workmanship and mortar; reinforced, but not designed in detail to resist lateral forces.

Masonry C: Ordinary workmanship and mortar; no extreme weaknesses such as failing to tie in at corners, but neither reinforced nor designed against lateral forces.

Masonry D: Weak materials, such as adobe; poor mortar; low standards of artisanship; weak horizontally.

Intensity	Description
I	Not felt. Marginal and long-period effects of large earthquakes.
II	Felt by persons at rest, on upper floors, or favorably placed.
III	Felt indoors. Hanging objects swing. Vibration like passing of light trucks. Duration estimated. May not be recognized as an earthquake.
IV	Hanging objects swing. Vibration like passing of heavy trucks; or sensation of a jolt like a heavy shell striking the walls. Standing motorcars rock. Windows, dishes, doors rattle. Glasses clink. Crockery clashes. In the upper range of IV, wooden walls and frames creak.
V	Felt outdoors; direction estimated. Sleepers wakened. Liquids disturbed, some spilled. Small unstable objects displaced or upset. Doors swing, close, open. Shutters, pictures move. Pendulum clocks stop, start, change rate.
VI	Felt by all. Many frightened and run outdoors. Persons walk unsteadily. Windows, dishes, glassware broken. Knickknacks, books, etc., off shelves. Pictures off walls. Furniture moved or overturned. Weak plaster and masonry D cracked. Small bells right (church, school). Trees, bushes shaken visibly, or heard to rustle.
VII	Difficult to stand. Noticed by drivers of motorcars. Hanging objects quiver. Furniture broken. Damage to masonry D, including cracks. Weak chimneys broken at roofline. Fall of plaster, loose bricks, stones, tiles, cornices, also unbraced parapets and architectural ornaments. Some cracks in masonry C. Waves on ponds; water turbid with mud. Small slides and caving in along sand or gravel banks. Large bells ring. Concrete irrigation ditches damaged.
VIII	Steering of motorcars affected. Damage to masonry C; partial collapse. Some damage to masonry B; none to masonry A. Fall of stucco and some masonry walls. Twisting, fall of chimneys, factory stacks, monuments, towers, and elevated tanks. Frame houses moved on foundations if not bolted down; loose panel walls thrown out. Decayed pilings broken off. Branches broken from trees. Changes in flow or temperature of springs and wells. Cracks in wet ground and on steep slopes.
IX	General panic. Masonry D destroyed; masonry C heavily damaged, sometimes with complete collapse; masonry B seriously damaged. General damage to foundations. Frame structures, if not bolted, shifted off foundations. Frames cracked. Serious damage to reservoirs. Underground pipes broken. Conspicuous cracks in ground. In alluviated areas, sand and mud ejected, earthquake fountains, sand craters.
X	Most masonry and frame structures destroyed with their foundations. Some well-built wooden structures and bridges destroyed. Serious damage to dams, dikes, embankments. Large landslides. Water thrown on banks of canals, rivers, lakes, etc. Sand and mud shifted horizontally on beaches and flat land. Rails bent slightly.
XI	Rails bent greatly. Underground pipelines completely out of service.
XII	Damage nearly total. Large rock masses displaced. Lines of sight and level distorted. Objects thrown into the air.

MODIFIED MERCALLI INTENSITY SCALE

1956 Version of 1931 Scale

Masonry A, B, C, and D. To Avoid ambiguity of language, the quality of masonry, brick, or otherwise, is specified by the following lettering.

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XI	Rails bent greatly. Underground pipelines completely out of service.
XII	Damage nearly total. Large rock masses displaced. Lines of sight and level distorted. Objects thrown into the air.

3

WAYNE TING & ASSOCIATES, INC.
GEOTECHNICAL CONSULTANTS

Project No. 2258
2 May 2005

Mr. Raymond Leung
Green Earth Engineering & Construction Co., Inc.
968 Hanson Court
Milpitas, CA 95035

Subject: **GEOTECHNICAL INVESTIGATION**
Proposed 5 Lots Subdivision
2016 Calaveras Road
Milpitas, California

References: 1) Seismic Hazards Evaluation Letter Report
By John Coyle & Associates, Inc.
Dated 26 April 2005

Dear Mr. Leung:

In accordance with your authorization, **Wayne Ting & Associates, Inc. (WTAI)** has completed a geotechnical at the subject site for the proposed development. The purpose of this study was to investigate the site conditions and obtain geotechnical data for use in the design and construction of the proposed development. The scope of this investigation included the following:

a. A site and area reconnaissance by the project manager.
b. The excavation, logging and sampling of 2 exploratory borings.
c. The laboratory testing of selected soil samples.
d. A soil engineering analysis of the data and information obtained.
e. Review of reference 1.
f. The preparation and writing of this report which presents our findings, conclusions, and recommendations.

Our findings indicate that the proposed development is feasible from a geotechnical engineering standpoint provided the recommendations in this report are carefully followed. It is also noted that the geologic report (Reference 1) should be used together with this report.

PLANNED DEVELOPMENT

The proposed structure will consist of five 2-story residential structure. We anticipate these structures will utilize wood frame construction with raised wood floors. Light to moderate building loads are typically associated with this type of construction.

SITE DESCRIPTION

The subject is located at 2016 Calaveras Road, Milpitas, California. It is bounded to the north by Calaveras Road, west by single-family home, south by SCVWVD Easement. The existing relative flat site consisted of 3 existing residential homes and trees. The site will be subdivided to 5 lots for single family structure construction.

FIELD INVESTIGATION

Our field investigation was conducted on March 12, 2005 and consisted of the excavation of two exploratory borings using a truck-mounted drilling-rig with a 4.5-inch stem-auger. The approximate locations of these borings are shown on the Figure 1, Appendix A.

The soils encountered during the excavation operations were continuously logged in the field. Relatively undisturbed samples were obtained by dynamically driving a 3.0 inch outside diameter Modified California sampler with a 140-pound hammer falling 30-inch. Samples were then sealed and returned to our laboratory for testing. The classification and description of the soils encountered, the natural moisture content and/or dry density, and the depths from which the samples were obtained are shown on the boring logs, Figures 2 and 3 of Appendix A.

LABORATORY TESTS

CLASSIFICATION

The field classification of the samples was visually verified in the laboratory in accordance with the Unified Soil Classification System. These classifications are presented on the Boring Logs.

MOISTURE-DENSITY

The natural moisture contents and/or dry weights were determined for the selected samples obtained during our field investigation. These data are presented on the aforementioned boring logs.

ATTERBERG LIMITS

The Atterberg Limits was determined for the selected sample of high plasticity in order to classify, and to obtain an indication of the expansion potential (shrink and swell with variations in moisture content) of this material. The liquid limit and plasticity index were found as follow:

Soil Descriptions	Liquid Limit (%)	Plasticity Index
Dark brown silty clay	42	25

UNCONFINED COMPRESSION

Unconfined Compression Tests were performed on a relatively undisturbed sample to evaluate the ultimate compressive strength of the soil. The test result is presented in the Boring Logs.

SUBSURFACE SOIL CONDITIONS

The following soil descriptions were derived from our site reconnaissance and the information obtained from our exploratory boring samples. Detailed descriptions of the materials encountered in the exploratory borings and the results of the laboratory testing are presented on the aforementioned Boring Logs.

Boring 1, subsurface soils encountered of 12.0 inches of gravel and clay mixture (uncontrolled fills), followed by dark brown and brown, stiff to hard, moist silty clay and sandy clay to 8.5 feet. Below the clay, weathered sandstone was encountered to the maximum depth explored of 9.5 feet.

Boring 2, subsurface soils encountered of dark brown and brown, stiff to hard, moist and very moist, silty clay and sandy clay to 12.0 feet. Below the clay, weathered sandstone was encountered to the maximum depth explored of 13.5 feet.

No groundwater was encountered at the time of the field study. However, fluctuations in the groundwater table are anticipated to vary with seasonal rainfall.

EXPANSIVE SOILS

The subsurface soils posses a moderate expansion potential which may result in heaving and uplift of any improvements founded in these materials. While it is impossible to completely eliminate future movement of the proposed improvements due to these expansive materials, it is our opinion that the effects can be reduced if the recommendations provided in this report are strictly followed. However, the potential for uplift should be considered in the design of all structures and improvements.

SEISMIC CONSIDERATIONS

According to the published maps by International Conference of Building Officials (I.C.B.O.), in February 1998, the near active fault to the subject site is Hayward Fault located 4.0 kilometers northeast.

UNIFORM BUILDING CODE SITE CHARACTERIZATION

Based on the information and the distance to the seismic source, the Hayward Fault is the controlling fault of the property. Therefore, based on 2001 California Building Code, the site seismic design values have been provided as follows:

UBC Category/Coefficient	Design Value
(Figure 16-2) Seismic Zone	4
(Table 16-I) Seismic Zone Factor	0.4
(Table 16-J) Soil Profile Type	Sd
(Table 16-U) Seismic Source Type	A
(Table 16-S) Near Source Factor, Na	1.30
(Table 16-T) Near Source Factor, Nv	1.73

LIQUEFACTION EVALUATION

Liquefaction is a phenomenon in which saturated (submerged) cohesionless soils are subjected to a temporary loss of strength due to the buildup of pore water pressures, especially as a result of cyclic loadings induced by earthquakes or ground shaking. In the process, the soil acquires a mobility sufficient to permit both horizontal and vertical deformations, if not confined. Soils most susceptible to liquefaction are clean, loose, saturated, uniformly graded, fine sands.

Based on our boring log data, soils susceptible to liquefaction were not encountered at the site. Therefore, it is our opinion that the probability of liquefaction at the site is low.

DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

GENERAL CONSIDERATIONS

1. From a geotechnical engineering standpoint, it is the opinion of WTAI that the subject site is suitable for the proposed construction provided the project design and construction incorporate the recommendations contained herein.

2. It is recommended that the WTAI be given the opportunity to review the grading and foundation plans and specifications when completed, to evaluate compliance with the recommendations provided in this report.

3. It is further recommended that WTAI be retained for testing and observation during all grading and foundation construction phases to help determine that the design requirements are fulfilled. WTAI should be notified at least 48 hours prior to grading and/or foundation operations on this project.

4. Any work related to the grading and/or foundation operations performed without the direct observation of WTAI will invalidate the recommendations of this report.

5. The recommendations given in this report are applicable only for the design of the previously described structures and only at the location indicated on the site plan. They should not be used for any other purpose.

SITE PREPARATION AND GRADING

6. Prior to grading, the proposed structure, pavement, and fill areas should be cleared of all obstructions and deleterious materials.

7. After clearing, these areas should be stripped of all organic topsoil. It is estimated that stripping depths of 4 to 6 inches may be necessary. However, final stripping depths should be determined by WTAI in the field. The predominantly organic material from the stripping should be removed from the site.

8. After completion of the stripping, the uncontrolled fills located under the proposed building pad or pavement areas should be overexcavated as determined by WTAI during the grading operations. After the completion of the overexcavation, the top 8 inches of exposed native ground should be scarified. After scarifying, it should be disced or bladed until it is uniform and free of large clods. The exposed native subgrade soils will be watered or aerated as necessary to bring the soils to a moisture content of 3 percent above the optimum moisture amount. The subgrade should then be uniformly recompacted to a minimum degree of relative compaction of 90 percent of the maximum dry density as determined by ASTM D1557-91 Laboratory Test Procedure. Materials generated from the excavation may be used as engineered fill with the approval of WTAI provided they are not contaminated by debris.

9. Following recompaction of the native subgrade soils, the site may be filled to the desired finished grade using suitable on-site native soil. All fills should be placed in lifts not exceeding 8 inches in uncompacted thickness and compacted to the abovementioned compaction requirements. Each layer will be spread evenly and will be blade mixed thoroughly to provide uniformity of soil in each layer. Compaction of each layer will be continuous over the fill area and continued until the required density is obtained.

FOUNDATION SYSTEMS

10. Due to on-site moderate plasticity clay and an adjacent channel easement, the proposed structure may be supported on a straight walled, auger excavated, cast-in-place, concrete friction pier and grade beam foundation or rigid grid foundation.

Pier and Grade Beam Foundation:

The drilled piers should have a minimum diameter of 16 inches and a minimum embedment of 10 feet below a lowest adjacent grade. These piers should be designed for an allowable skin friction value of 500 pounds per square foot for dead plus live loads. This value can be increased by one-third for total loads which include wind or seismic forces. Due to the present of expansive soil, this value is only applicable after a minimum penetration of 2 feet below the lowest adjacent finished grade has been achieved. The validity of this value is based on a minimum pier spacing of 3 pier

diameters measured center-to-center. In addition, piers should be tied together with grade beams to act as a unit.

11. Due to the moderately expansive surface material, swelling and soil movement may result in uplift pressures applied to the bottom of the grade beam. The bottom of grade beam should be designed to resist 1,000 p.s.f. swelling pressure.

12. Resistance to lateral force may be provided by passive earth pressure mobilized along the pier length below the depth of 2 feet. Passive earth pressure may be computed as an equivalent fluid weighing of 300 p.c.f. For design of isolated piers, the allowable passive pressure may be increased by a factor of 1.5.

13. Depressions at the top of the piers resulting from drilling operations or from any other cause should be backfilled to prevent ponding of water. Care should be exercised during concrete placement of the piers to prevent the concrete from spilling around the pier shaft and creating an area greater than desired upon which the heaving soil may exert excessive pressure. If excess spillage occurs, the fresh concrete should be removed. In addition, after completion of the pier drilling, the bottom of the pier excavations should be cleaned of excessive loose materials prior to placing the reinforcing steel and concrete.

Rigid Grid Foundation:

14. The grid foundation should be designed for an allowable bearing pressure of 2,000 p.s.f. due to dead loads plus design live loads, and 2,700 p.s.f. due to all loads that include wind or seismic forces. The bottom of the foundation should be founded at least 24 inches below the lowest adjacent pad grade (trench depth). Footing along the SCVWVD easement should be at least 3.0 feet deep. Footing reinforcement will be determined by the Structural Engineer.

15. The grid foundation must be interconnected and capable of spanning a minimum distance of 10 feet across zones of non-support. Corners and edges should be capable of cantilevering at least 5 feet along the intersecting members.

16. The available resistance to lateral loads for a grid foundation is limited to sliding resistance along the base of the foundation. Sliding resistance beneath the base of the footing and the underlying soil should be based on a friction value 0.3.

CONCRETE SLAB-ON-GRADE

17. To reduce the potential cracking of the concrete slab, the following recommendations are made:

a. Due to on site expansive clay, concrete slabs on garage areas should be supported on a minimum of 12 inches of Class II baserock. The rock should be compacted to a

minimum of 95 percent relative compaction and at 2 percent above the optimum moisture content as determined by the ASTM D1557-91 Test Procedure.

b. The concrete slab on garage areas should not be doweled into the perimeter foundation and should be reinforced using at least No. 4 bars at 18-inch on centers to reduce cracking. Reinforcement should be as specified by the Structural Engineer.

c. Slabs at garage door openings should be constructed with a thickened edge extending a minimum of 8 inches into the native ground or compacted fill.

RETAINING WALL

18. Retaining walls under 5 feet in height should be designed to resist lateral earth pressures value of 45 p.c.f. (equivalent fluid weight) from the backfill soils.

19. The above criterion is based upon a sufficient drainage system to be constructed behind the walls to prevent the build-up of hydrostatic pressures. The wall drainage system should consist of a gravel blanket with a minimum width of 12 inches and should extend vertically to 12 inches below the ground surface. The top 12 inches should be backfilled with on-site soils to provide a surface seal and be graded away from the wall. If the excavated area behind the wall exceeds 12 inches, the entire excavated space behind the 12-inch blanket material should be backfilled with gravel. The gravel blanket may consist of crushed rock wrapped effectively with filter fabric.

20. A 4-inch diameter perforated pipe should be placed on bedding at the bottom of the gravel blanket adjacent to the base of the footing. The retaining walls, the perforations should be placed facing down toward bottom of the excavation. The bedding material should be at least 4 inches thick. The pipe should have a minimum gradient of 2.0 percent and should connect to an adequately controlled outlet facility away from the foundations.

21. The retaining walls should be supported on the foundation system as designed in accordance with the recommendations presented previously under rigid grid foundation.

DRAINAGE

22. All downspouts from the roof gutter system should be tied into a closed pipe system and discharged to an adequate drainage system.

23. Exterior flatwork should be sloping away from the building so that water will be drained away from the structure. Landscape mounds or concrete flatwork should not be constructed to block or obstruct the surface drainage measures.

24. Planted areas should be avoided immediately adjacent to the structure. If planting adjacent to the residence is desired, use of plants that require little moisture is recommended. Sprinkler systems should not be installed where they may cause ponding or saturation of foundation soils. Such ponding or saturation could result in undesirable soil movement, loss of compaction, and/or subsequent foundation and slab movement. Irrigation of landscape areas should be limited strictly to that necessary for plant growth. Excessive irrigation could result in saturation, weakening and possible swelling of the foundation soils.

25. Backfill of utility trenches extending under the building area should be properly compacted to ensure against water migration underneath the foundation structure.

DRIVEWAY

26. Prior to the beginning of any paving construction, the upper 8 inches of the subgrade soil should be scarified and recompacted to 95% of the maximum dry density at 2% above the optimum moisture value as defined by ASTM D1557-91 Laboratory Test Procedure. After compaction of the subgrade, Class II aggregate baserock should then will be placed and also compacted to a minimum relative compaction of 95%.

27. Pavement Sections: Pavement section of 3.0 inches of asphaltic concrete on 10.0 inches of aggregate base material should be utilized.

LIMITATIONS AND UNIFORMITY OF CONDITIONS

28. Every effort has been made to properly evaluate the subsurface conditions at this site based on the samples recovered from the test pits and the results of laboratory tests on these samples. However, it must be recognized that the conclusions reached in this report were based on conditions at the boring locations. Our professional services, findings, and recommendations were prepared in accordance with generally accepted engineering principles and practices. No other warranty, expressed or implied, is made.

29. The conclusions and recommendations contained in this report shall not be considered valid after a period of two (2) years, unless the changes are reviewed and conclusions of this report modified or verified in writing.

30. This report is issued with the understanding that it is the responsibility of the owner, or his representative, to ensure that the information and recommendations contained herein are brought to the attention of the Architect, Engineer, and Contractor for the project and incorporated into the plans and that the necessary steps are taken to see that the contractor and subcontractors carry out such recommendations in the field.

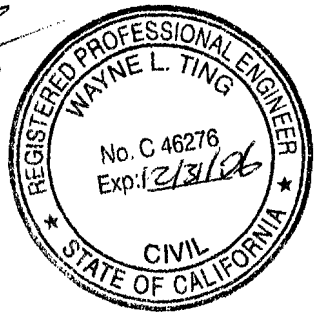
Project No. 2258
2 May 2005

Should you have any questions relating to the contents of this letter, please contact our office at your convenience.

Very truly yours,

WAYNE TING & ASSOCIATES, INC.

Wayne L Ting, C.E.
Principal Engineer



Copies: 4 to Mr. Leung

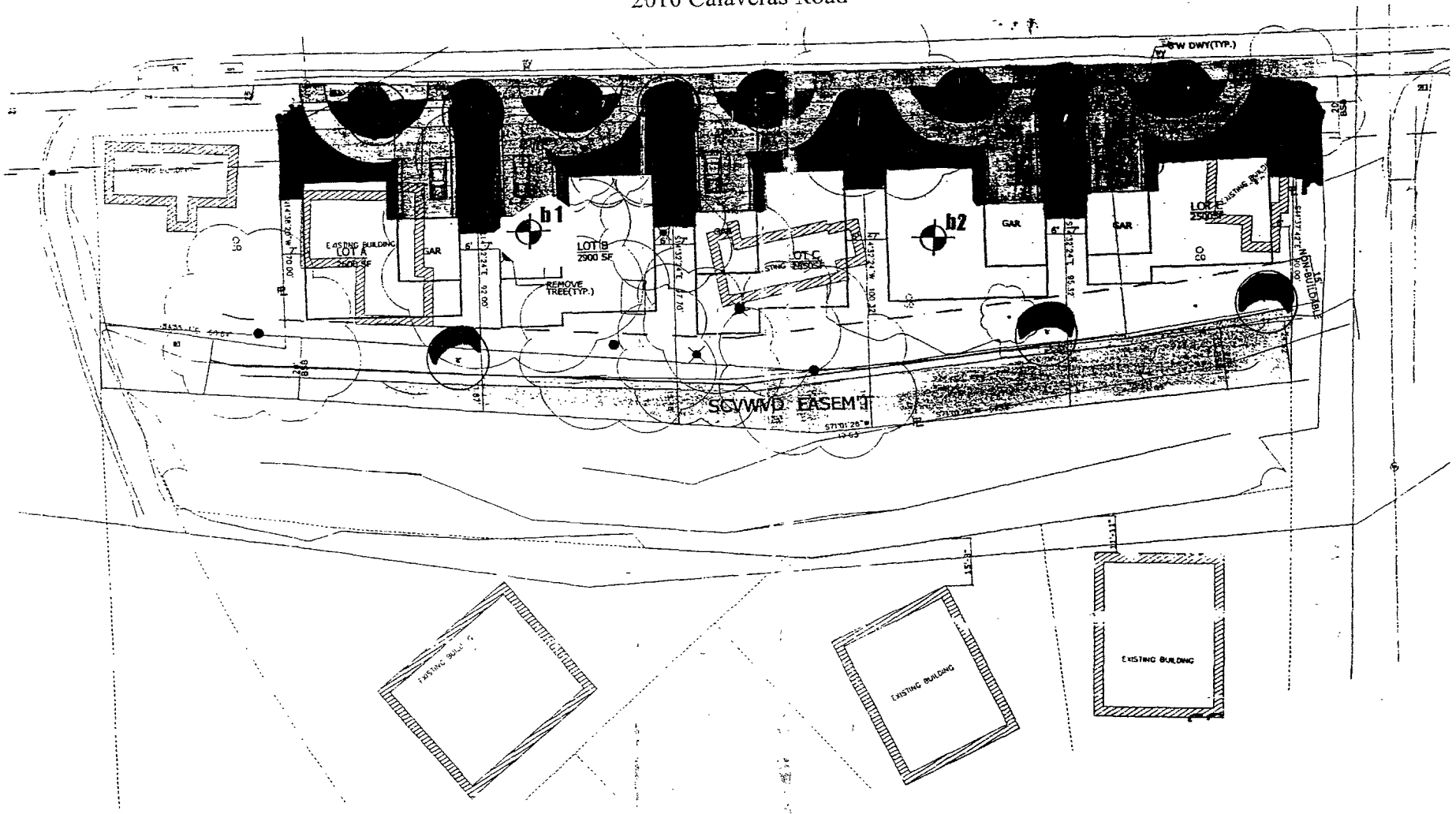
Project No. 2258
2 May 2005

APPENDIX A

Site Plan, Figure 1.

Boring Logs, Figures 2 and 3

2016 Calaveras Road



WAYNE TING & ASSOCIATES, INC.
GEOTECHNICAL ENGINEERS

Site Plan

Scale: 1"=50'

Figure No. 1

Page No. 11

2016 Calaveras Road, Milpitas, California | Project No. 2258 | 2 May 2005

Depth (Feet)	Description	Sample No.	Unified Soil Classification	Blows/Foot (350 Ft.-Lbs)	Dry Density (P.C.F)	Moisture (% Dry Density)	Pocket Penet. (T.S.F)	Remarks
0	Gravel and clay mixture (uncontrolled fills)							
1	Dark brown silty clay, stiff and moist		CH-CL					LL =42% PI =25
2								
3		1-1		19	100.4	14.1	3.0	Qu = 4,600 Psf
4	became to gray silty clay							
5								
6	brown sandy clay with sandstone fragments,							
7								
8	hard	1-2	CL	>50	116.1	9.4	>4.5	Qu = 10,600 Psf
9	Brown weathered sandstone, medium dense		SM					
10	Boring terminated at 9.5 feet. No groundwater encountered.							
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								

WAYNE TING & ASSOCIATES, INC.
GEOTECHNICAL ENGINEERS

BORING LOG NO. 1

Date Drilled: 12 March 2005 *By:* W.T.

Figure No. 2

Page No. 12

2016 Calaveras Road, Milpitas, California | Project No. 2258 | 2 May 2005

Depth (Feet)	Description	Sample No.	Unified Soil Classification	Blows/Foot (350 Ft.-Lbs)	Dry Density (P.C.F)	Moisture (% Dry Density)	Pocket Penet. (T.S.F)	Remarks
1	Dark brown silty clay, very moist and stiff		CH-CL					
3		2-1		12	109.1	17.1	3.0	Qu = 4,600 Psf
8	Brown sandy clay, very stiff	2-2	CL	24	116.2	14.1	1.0	Qu = 5,600 Psf
13	Brown weathered sandstone, medium dense and moist	2-3	SM	45		6.5		
14	Boring terminated at 13.5 feet. No groundwater encountered.							

WAYNE TING & ASSOCIATES, INC.
GEOTECHNICAL ENGINEERS

BORING LOG NO. 2

Figure No. 3

Date Drilled: 12 March 2005 *By:* W.T.

Page No. 13

CONSTRUCTION PLAN SUBMITTALS FOR PERMIT SHALL INCLUDE THE FOLLOWING ITEMS:

GENERAL

1. INCLUDE ANY NECESSARY DETAILS AND SPECIFICATIONS WITH THE PLANS IF THEY ARE NOT CITY STANDARDS OR APPROVED EQUALS.
2. SHOW THE LOCATIONS OF ALL EXISTING AND PROPOSED PUBLIC FACILITIES (STREETS - INCLUDE STREET NAME (ALSO STATE PRIVATE STREET OR PRIVATE MAINTAINED ROAD), STREET LIGHT, STORM DRAIN, SEWER, WATER ETC.), AND ANY PROPOSED CONNECTIONS TO PUBLIC FACILITIES.
3. SHOW ALL EXISTING AND ANY PROPOSED EASEMENT OR RIGHT OF WAY DEDICATIONS ON THE PLANS.
4. ADD NOTE: PRIOR TO THE START OF ANY WORK WITHIN THE CITY RIGHT OF WAY (PUBLIC STREET OR EASEMENT), THE DEVELOPERS CONTRACTOR SHALL OBTAIN AN ENCROACHMENT PERMIT. ALSO INCLUDE OTHER PUBLIC WORKS GENERAL CONSTRUCTION NOTES - SEE ENGINEERING PLANS AND MAP PROCEDURES AND GUIDELINES.

WATER

1. SHOW THE SIZE(S) AND THE LOCATION(S) OF ALL EXISTING AND PROPOSED WATER MAINS, SERVICE(S), METER(S), AND BACK FLOW DEVICE(S) ON THE PLANS. ALSO, SHOW DEPTH AND MATERIAL OF EXISTING MAIN FOR WET/HOT TAPS OR ISOLATIONS VALVES FOR CUTTING IN TEE'S.
2. DOMESTIC WATER METERS- ADD NOTE: INSTALL REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION DEVICE AS PER CITY STANDARD DRAWING #734
3. INDICATE ANY EXISTING WELL(S) TO BE MAINTAINED OR ABANDONED IN ACCORDANCE WITH SANTA CLARA VALLEY WATER DISTRICT. AIR GAP OR REDUCED BACKFLOW PROTECTION IS ALSO REQUIRED FOR ALL ACTIVE (NON-SEALED) WELLS.

SEWER

1. SHOW THE SIZE(S) AND LOCATION(S) OF EXISTING AND PROPOSED MAINS, LATERAL(S), CLEAN OUT(S) AND ANY NECESSARY SEWER BACK FLOW DEVICES ON PLANS.
2. INDUSTRIAL COMMERCIAL DEVELOPMENTS REQUIRE A 6" SEWER LATERAL AND CLEANOUT AS PER CITY STANDARD DRAWING # 504, SHEET 2.
3. RESIDENTIAL DEVELOPMENTS REQUIRE A 4" SEWER LATERAL AND CLEANOUT AS PER CITY STANDARD DRAWING # 620, SHEET 1.
4. SHOW THE LOWEST FINISH FLOOR ELEVATIONS OF THE STRUCTURE AND THE RIM OF ELEVATIONS OF NEAREST UPSTREAM SANITARY MANHOLE ON THE PLANS. IF THE LOWEST FLOOR ELEVATION IS LESS THAN ONE FOOT ABOVE THE RIM ELEVATION OF THE NEAREST UPSTREAM MANHOLE, THEN A BACKFLOW PREVENTER PER CITY STANDARD DRAWING # 624 IS REQUIRED.
5. APPLICANT SHALL CONTACT THE SAN JOSE/SANTA CLARA WATER POLLUTION CONTROL PLANT (SJ/SC WPCP 408-945-5300) FOR THEIR REQUIREMENTS ON PLAN APPROVAL AND INDUSTRIAL WASTEWATER DISCHARGE PERMIT.

STORM

1. SHOW SIZE(S) AND LOCATION(S) OF ALL EXISTING AND PROPOSED STORM WATER FACILITIES ON THE PLANS.
2. SHOW HOW ALL ON-SITE DRAINAGE IS CONVEYED OFF-SITE (STREET, GREEN BELT, ETC.) INCLUDING CONNECTIONS TO THE CITY STORM DRAIN SYSTEM INCLUDING CREEKS AND CHANNELS. ALSO SHOW THE LOCATIONS AND SIZES OF ALL INLETS, DISSIPATERS, PIPES, THROUGH CURB DRAINS, ETC.
3. REFER TO CITY STANDARD DRAWING # 468 FOR OUTFALL DETAIL.
4. REFER TO CITY STANDARD DRAWING # 462 FOR UNDERWALK DRAIN DETAIL.
5. REFER TO CITY STANDARD DRAWING # 488 FOR BUBBLE UP DETAIL.
6. REFER TO CITY STANDARD DRAWING # 462 FOR CURB INLET DETAIL.

DRIVEWAY

1. SHOW WIDTH(S) AND LOCATION(S) OF ALL EXISTING AND PROPOSED DRIVEWAYS ON THE PLANS.
2. COMMERCIAL DEVELOPMENTS REQUIRE A 36' WIDTH APRON WITH A 4' FLARE ON BOTH SIDE FOR A TWO-WAY DRIVEWAY AS PER CITY STANDARD DRAWING #432.
3. INDUSTRIAL DEVELOPMENTS REQUIRE A 32' WIDTH APRON WITH A 4' FLARE ON BOTH SIDE FOR A TWO-WAY DRIVEWAY AS PER CITY STANDARD DRAWING #432.
4. RESIDENTIAL DEVELOPMENTS REQUIRE INSIDE FLARES PER CITY STANDARD DRAWING # 430.
5. IT IS RECOMMENDED THAT COMMERCIAL AND INDUSTRIAL DRIVEWAY WITH RETURNS (IN LIEU OF FLARES) BE USED ON HIGH VOLUME STREETS PER CITY STANDARD DRAWING # 434.

BUILDING SETBACK RESTRICTION

1. NO BUILDINGS, POOLS, STORAGE SHEDS, OR OTHER STRUCTURES WILL BE PERMITTED WITHIN THE BUILDING SETBACK RESTRICTED AREA.

LEGEND & ABBREVIATIONS

AC	ASPHALT CONCRETE	REM	REMOVE
BLDG	BUILDING	RW	RETAINING WALL
C&G	CURB & GUTTER	BSB	BUILDING SETBACK
CONC	CONCRETE	SCO	SANITARY SEWER CLEANOUT
DI	DRAINAGE INLET	SCVWD	SANTA CLARA VALLEY WATER DISTRICT
DIP	DUCTILE IRON PIPE		
DWY	DRIVEWAY	SD	STORM DRAIN
(E)	EXISTING	SS	SANITARY SEWER
ELEV	ELEVATION	LAT	LATERAL
EP	EDGE OF PAVEMENT	TC	TOP OF CURB
EXIST	EXISTING	TG	TOP OF GRATE
FF	FINISH FLOOR	TOB	TOP OF BANK
FG	GROUND FINISH GRADE	W	WATER
FL	FLOW LINE		
G	GARAGE SLAB ELEVATION		RETAINING WALL
HP	HI POINT		
INV	INVERT		EXISTING BUILDING
LS	LANDSCAPED AREA		
MAX	MAXIMUM		CURB & GUTTER
MH	MANHOLE		
MIN	MINIMUM		SIDEWALK
(N)	NEW		
NTS	NOT TO SCALE		
OG	ORIGINAL GROUND		
P	PAVEMENT FINISH GRADE		
PL	PROPERTY LINE		
PERF	PERFORATED		
(P) / PROP	PROPOSED		
PSDE	PROTECTION STORM DRAIN EASEMENT		
PVC	POLYVINYL CHLORIDE		

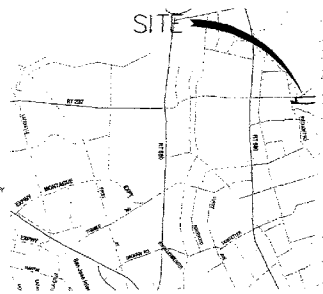
- TREE TO BE REMOVED
- 100.56 DESIGN GRADE
- CHRISTY - 'H' DRAIN BOX W/ GRATE
- +101.7 EXIST ELEVATION
- CONCRETE
- DOWNSPOUT WITH SPLASHBLOCK
- OVERLAND FLOW DIRECTION
- EXISTING UTILITY
- SD — EXISTING STORM DRAIN/ UTILITY
- SD — PROPOSED STORM DRAIN/ UTILITY
- PROPOSED INLET
- WATER METER

NOTES

1. ASSESSORS PARCEL NO: 086-016-041
2. SITE ADDRESS: 2616, 2040 & 2064 CALAVERAS ROAD
3. SITE AREA: ±0.73 AC
4. ZONING: R1-6
5. EXISTING USE: RESIDENTIAL
   PROPOSED USE: RESIDENTIAL
6. ALL EXISTING BUILDINGS, STRUCTURES, PAVED AREAS AND UTILITIES SHALL BE REMOVED.
7. ALL DIMENSIONS AND PROPOSED GRADING ARE PRELIMINARY AND SUBJECT TO FINAL DESIGN
8. MINIMUM LOT SIZE: 6023 SF
9. STREET TREES SHALL BE PROVIDED AS REQUIRED BY THE CITY.
10. BENCHMARK: CITY OF MILPITAS DATUM - 1" IRON PIPE IN MONUMENT WELL AT THE INTERSECTION OF CALAVERAS ROAD AND PIEDMONT ROAD - ELEVATION 149.772', NGVD 1929
11. PROPOSED WATER SANITARY SEWER, AND STORM DRAIN WILL BE CONTRUCTED AS PER THE CITY OF MILPITAS STANDARDS.
12. STREET LIGHTS WILL BE INSTALLED PER THE CITY OF MILPITAS STANDARDS AND DEDICATED TO THE CITY.
13. WATER: CITY OF MILPITAS
14. SEWER: CITY OF MILPITAS
15. GAS & ELECTRIC: PG&E
16. TELEPHONE: SBC
17. CABLE TV: COMCAST
18. WELLS: NONE
19. ALL WALLS WILL BE PRIVATELY OWNED & MAINTAINED
20. A GEOTECHNICAL REPORT WAS PREPARED FOR THIS PROJECT BY WAYNE TANG & ASSOCIATES, INC., PROJECT NO. 2258, DATED MAY 2, 2005.
21. IF EXISTING WATER METER IS NOT BEING USED IT SHALL BE REMOVED AND CAPPED AT MAIN
21. IF EXISTING INLETS IS NOT BEING USED IT SHALL BE REMOVED AND CAPPED
22. THE SIZE, MATERIAL, AND LOCATION OF THE PROPOSED UTILITIES IS SUBJECT TO CHANGE, BASED ON DEMANDS, HYDRAULIC CALCULATIONS, AND/ OR CITY STANDARD GUIDELINES.

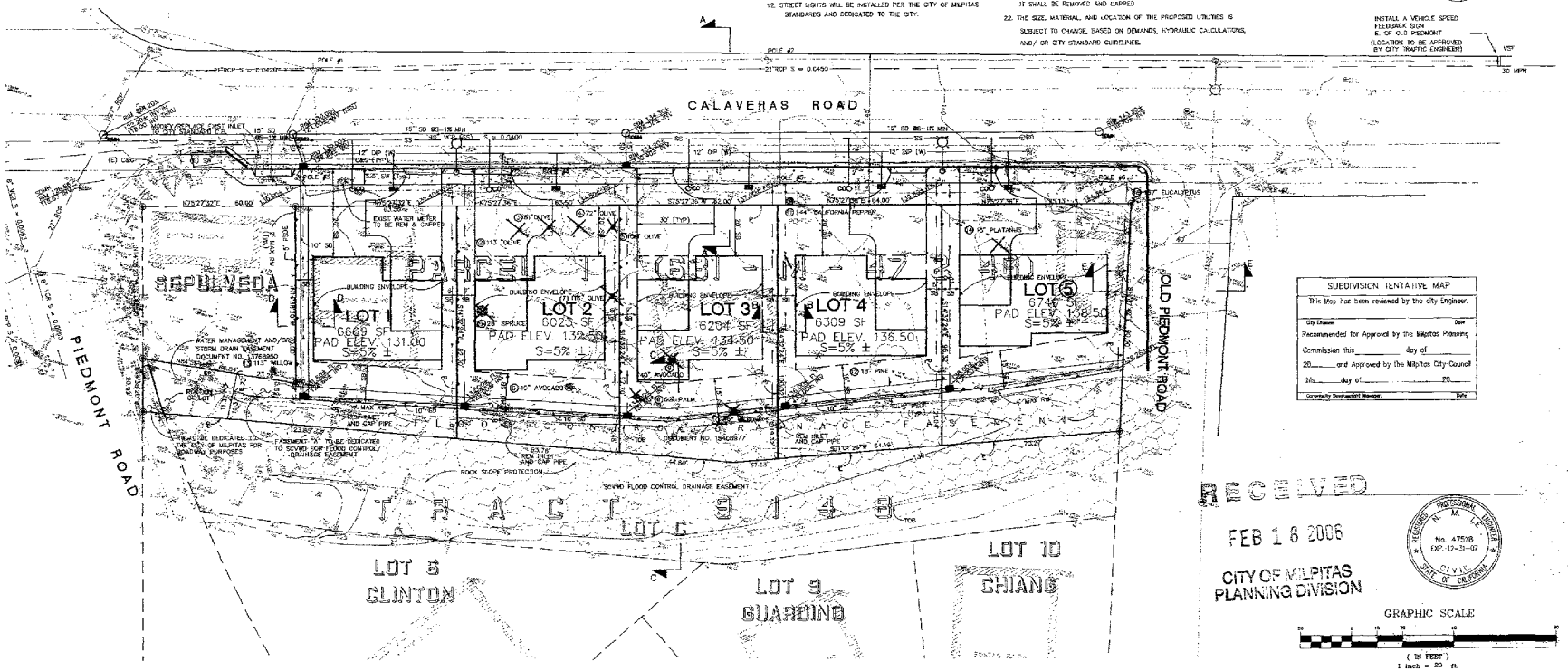
VICINITY MAP

NO SCALE



CONTACTS

1. OWNER: CALAVERAS COUNTRY ESTATES, LLC
2. SUBDIVIDER: CALAVERAS COUNTRY ESTATES, LLC
   988 HANSON COURT
   MILPITAS, CA 95035
   PHONE: (408) 263-2188
   FAX: (408) 263-4188
2. ENGINEER: LC ENGINEERING
   GARY CARNES, LS
   870 HILMAR STREET
   SANTA CLARA, CA 95050
   PHONE: (408) 806-7187
   FAX: (408) 243-5072



SUBDIVISION TENTATIVE MAP

This Map has been reviewed by the City Engineer.

City Engineer — Date

Recommended for Approval by the Milpitas Planning Commission this _____ day of _____ 20____ and Approved by the Milpitas City Council this _____ day of _____ 20____

Community Development Manager — Date

RECEIVED
FEB 16 2006
CITY OF MILPITAS
PLANNING DIVISION

GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

NO.	REVISIONS	DATE	APP'D
3	REVISED MAP PER CITY'S ADDITIONAL COMMENTS	01/24/06	AL
2	REVISED MAP PER CITY'S ADDITIONAL COMMENTS	01/25/06	AL
1	REVISED MAP PER CITY'S ADDITIONAL COMMENTS	02/09/06	AL

DESIGNED AL 12/20/05
DRAWN VL 12/20/05
SCALE 1" = 20'
CHECKED DATE

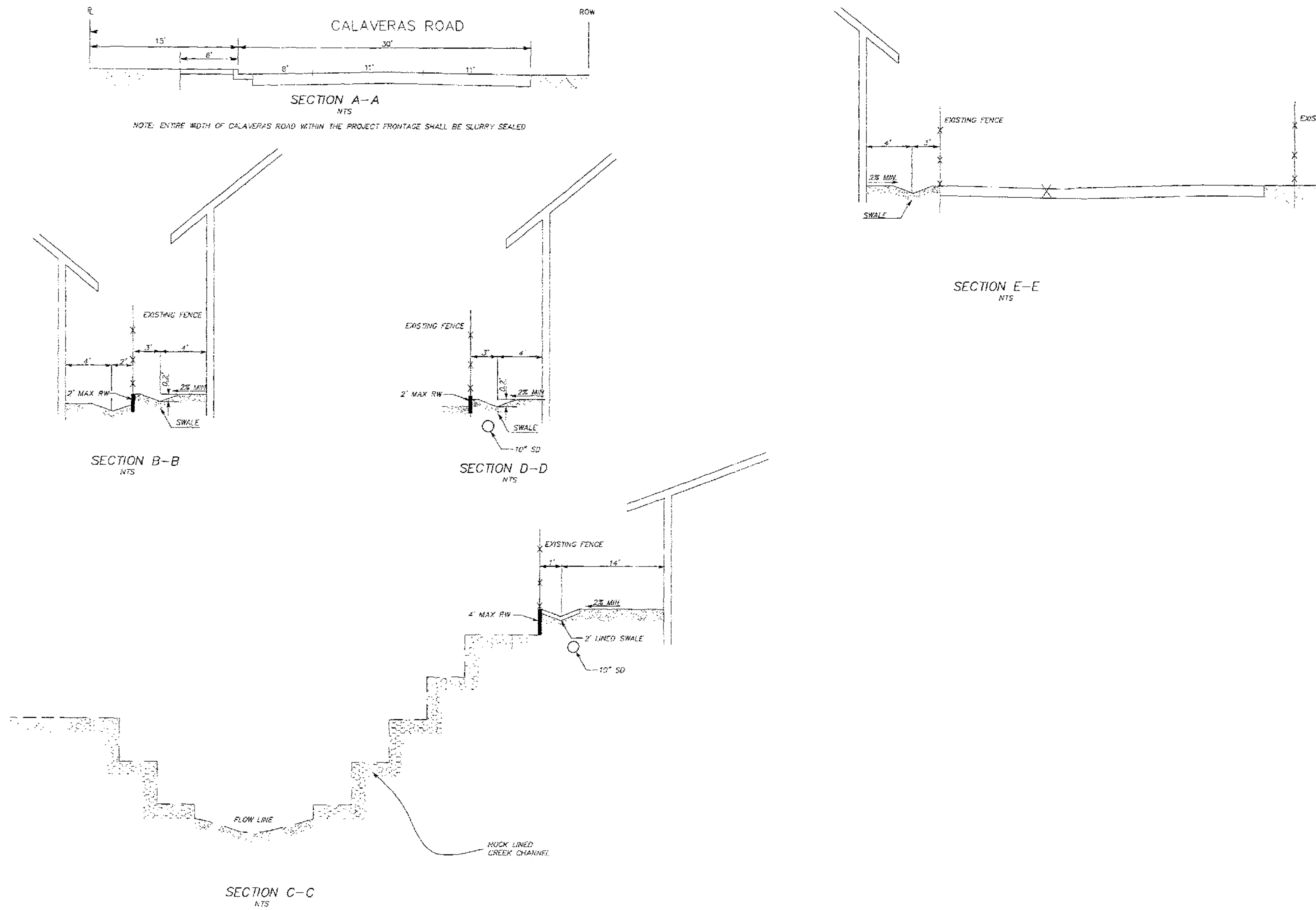
LC ENGINEERING
870 Hilmar Street
Santa Clara, CA 95050
Phone: (408) 806-7187
Fax: (408) 243-5072

TENTATIVE MAP
CALAVERAS COUNTRY ESTATES
CALAVERAS COUNTRY ESTATES, LLC
PARCEL 1, 631 M 48 California
Milpitas

PROJECT NO.
CONTRACT NO.
SHT NO. 1 OF 2
DRAWING NO.
FILE NO.

PLAN NO. OF SHEET

APPLICANT: CALAVERAS COUNTRY ESTATES ROAD NAME: CALAVERAS ROAD CITY FILE NO.: 100.01.221



PLAN NO.
SHEET OF

REVISED MAP TO SHOW FINISH GRADE ELEVATION AND SD INVERTS (CITY'S COMMENTS) — NL — 01/24/06 — AL
REVISED MAP PER CITY'S ADDITIONAL COMMENTS — NL — 01/26/06 — AL

NO. | REVISIONS | BY | DATE | APP'D

DESIGNED: NL 12/20/05
DRAWN: VL 12/20/05
SCALE: AS NOTED
CHECKED

LC ENGINEERING
870 Hilmar Street
Santa Clara, CA 95050
Phone: (408) 806-7187
Fax: (408) 243-5072

CROSS SECTIONS
CALAVERAS COUNTRY ESTATES
ESTATES, LLC
PARCEL 1, 631 M 48
Milpitas California

REGISTERED PROFESSIONAL ENGINEER — N. M. LE — No. 47518 — EXP. 12-31-07 — CIVIL — STATE OF CALIFORNIA

DRAWING NO.
SHT NO. 2 of 2
FILE NO.
CONTRACT NO.
PROJECT NO.

APPLICANT: CALAVERAS COUNTRY ESTATES ROAD NAME: CALAVERAS ROAD CITY FILE NO.: 100.01.221